Submission No. 36

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

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 ☐ / No X
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 X	I visit the area ☐
I own land affected by the amendment ☐	Other (please detail below) ☐

In summary, my comments are

My concerns with the proposed amendments to the planning scheme are as follows:

The proposed amendments are limited to general constraints on physical settings, heights and boundaries, without incorporating any guidelines for future developers and their development proposals which would:

a) ensure that building structures are compatible with a local vision for design, style and aesthetics.
[NB: In the case of Sorrento, whose economy derives from tourism, there is a need to specify what constitutes the essential built character of the destination to ensure its sustainability. This may well include planning provisions to define the critical geometry for building shapes, construction materials for external presentation and pedestrian spaces for ambiance and access].

b) ensure the provision of adequate parking and traffic management infrastructure is incorporated as an integral component of any new development proposal and subsequent approval.
[NB: Recent approvals for the Sorrento village have significantly increased the capacity of building sites to host larger and larger numbers of visitors, but they have not been accompanied by proportionate increases in parking facilities – fees based or public – or traffic management infrastructure. It is now almost impossible for local residents to access many of the Sorrento village's services during peak holiday

seasons or weekends. The delays and bottlenecks for traffic into and out of the planning zone are now becoming a constraint on the amenity of the whole Sorrento/Portsea area.]

c). There are several blocks of land adjacent to the west of the Ocean Beach Road/Melbourne Road roundabout, abutting the edge of the planning scheme zone. These are not included in the proposed amendments to the planning zone. Over the last 3 years these properties have been cleared of their buildings and structures and effectively "land-banked" for future development. To avoid a protracted community dispute and the potential for litigation, these properties should also be included under the provisions suggested in the planning amendment or specifically identified as residential only.

d) The proposed height limits set out in the planning amendment look appropriate on paper but they only withstand scrutiny if the development site in question is 'flat'. The developers of the Continental Hotel, The Salt Building, Carmel and the new shopping facilities between Ocean Beach Road and Morse Ave have all gained approvals from VCAT for height limits greatly in excess of the nominal planning limits because the planning controls did not specify how those limits could be determined.
[NB: There are contemporary examples in the Sorrento village where a nominal height restriction has been observed from say Constitution Hill Road or Ocean Beach Road but, because the development blocks have slopes of say 7-10 metres, then approvals have ultimately been given for a vastly taller edifice to be approved for the lower side of the block. It is incumbent on an effective planning scheme to specify how it will determine the building height restrictions from every angle. In the same vein, it might also pay dividends in the future to clarify how the exemptions to structural height limits – for towers, clocks, flagpoles, etc. – will be determined, especially as they are a common feature of older 'heritage' style buildings and may well attract the attention of future developers anxious to meld in with the village's heritage.]

End

I have provided detailed comments on attached sheets			Yes ☐ / No X
Signature	[redacted]	**Date**	23rd 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

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.

Submission No. 37

From: Planning
To: Strategic Admin
Subject: FW: Strategic Planning Draft DDO28
Date: Tuesday, 27 September 2022 2:44:37 PM

[redacted]

From: [redacted]
Sent: Tuesday, 27 September 2022 2:16 PM
To: Planning <planning@mornpen.vic.gov.au>
Cc: [redacted]
Subject: Strategic Planning Draft DDO28

Comments on the Draft Proposal DDO28
Our property address is [redacted]
This address is placed within the boundaries that have been labelled Central Precinct.
A lane running East-West forms the North boundary of the Ocean Beach Rd properties.
Any development extending to the boundary would inhibit access from the lane and make the storage of rubbish even worse than now.
Hardstand space is needed within each property's titled area.
A VCAT hearing ruled against development plans that did not incorporate this space.
Views to the Bay in the East would be blocked by any building hard against the boundary.
In the revisions there are no guidelines as to roof design of any developments.
Mandatory height limits proposed would lead to flat roof construction which is definitely not in keeping with the charm of Sorrento.

[redacted]

Submission No. 38

[redacted]

[redacted]

18 August, 2022

Ms [redacted]
Team Leader, Strategic Planning,
Mornington Peninsula Shire,
Private Bag 1000,
90 Besgrove Street,
Rosebud, VIC 3939

Dear [redacted]

Amendment C286morn

Thank you for your letter of 3 August 2022 and we are very happy to read in your third paragraph that the changes proposed will ensure that new development will protect and enhance the valued character, heritage and amenity of the Sorrento area.

On reading the rest of your letter and examining the enclosed Information Sheet regarding Controls for the East Sub Precinct of DDO28, it would be obvious to anyone reading these that the last thing you are seeking to protect is the character, heritage, and amenity of our village.

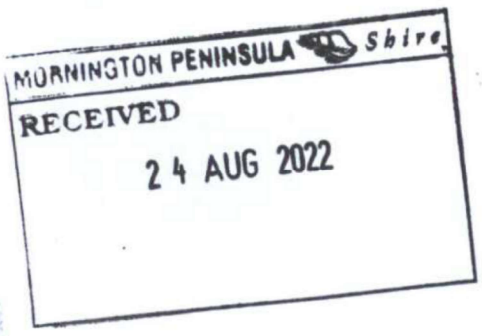
It would seem that your team are forgetting the importance of this 'dress circle' site at the approach to Sorrento village. Allowing a 9 metre maximum street wall height at the corner, where it will dominate the landscape and reduce visibility for drivers, seems the ultimate folly. I hope you are ready for a long and exhausting consultation process because this proposal is an insult to the intelligence of the Sorrento Community where some families such as ours have lived for over 100 years.

We appreciate that development must take place and restoration work and maintenance must go hand in hand with safety concerns for a growing population. We maintain, however, that the approach to the village, whether from the ferry or Pt Nepean Road, must be absolutely beautiful. Developers carrying fistfuls of $ must not be allowed to alter the character of this place by allowing them to build to inappropriate heights near kerbside – and then leave. They cannot appreciate the affection and concern felt by long term residents.

This destruction of character has already happened with the building of Raffles Court (many years ago) and the Salt Apartments (more recently). Furthermore, eyebrows have been raised at some of the permits that have been issued for dwellings along the Portsea Road, best suited to the outer suburbs of our big cities, not these seaside villages. We look forward to following your deliberations where I hope you will take all views into account.

Yours sincerely,

[redacted]



Submission No. 39

[redacted]

From: [redacted]
Sent: Wednesday, 12 October 2022 5:03 PM
To: Strategic Admin
Subject: Amendment C286morn – submission

In response to the MPSC's request for Submissions to above amendment we make the following points:

East Sub Precinct

This corner of Point Nepean Road and Esplanade is considered to be the "gateway" to Sorrento. On the western corner is the Koonya Hotel which has an Individual HO and is covered by DDO3 with Mandatory Height limits of 8 metres/2 storeys.

A build on the *East Sub Precinct* of 3 storeys/12 metres would overshadow the historic Koonya Hotel and not "balance" the built form on this corner. It would severely diminish the sight lines to both historic buildings of The Continental Hotel and Stringers corner. Both icons of the Sorrento commercial precinct.

Furthermore, a 3 storey/12 metre build is in conflict with the current Heritage Design Guidelines: Sorrento Historic Precinct.

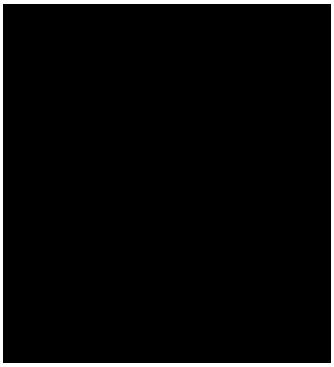
The built form of this Precinct should be:

- 8 metre wall height limit
- Encourage a pitched roof
- 2 storey maximum height limit
- 4 m setback from the north western boundary on Point Nepean Road
- Built form character should be similar to existing built form at the Koonya Hotel corner
- Ensure sightlines are maintained to the Continental Hotel and Stringers Stores

  as per Heritage Design Guidelines: Sorrento Historic Precinct

In relation to the remaining Commercial Zone of Ocean Beach Road we would prefer that the setback be 8 metres at the third level with maximum wall height 8 metres.

Yours



Submission No. 40

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 ☐ / 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 have lived in the Sorrento area for 25 years both full time and part time. Currently full time since 2016 approx. and shop, relax and visit frequently.
1. The UNIQUE built landscape and natural landscapes are of great importance to me as they effect the amenity of where I live and where I CHOSE to live.
2.The local residents voices should take precedence over planning consultants, tourist opinions and the shire councillors. The latter should be reflecting our views ...not just because we are rate payers but because we LIVE here and use the places/streets in our everyday pursuits.
3.The historical precinct, the small village feel of a single street and this location between the ocean and bay are paramount in the character and attraction. **Let's not make this place a replica** of developed and ugly urban sprawl. This is NOT the place which is Sorrento.
4.I know that visitors flock here and we need to preserve as mu ch as possible the character of this place and NOT be seduced by money, over development and **refrain from cramming** in more and more built environment . Enough of this stupidity.
5.We need to be cognisant of maintaining **individual character of a unique beachside** location which was
the site of the first settlement.

East Sub Precinct:
-West corner has mandatory height limits as outlined in DD03 8 metres/2 storeys..
1.East sub precinct should align with this.. the amended heights proposal of 12 metres/3 storey is out of character with the historic Koonya, is totally wrong visually and shows lack of sensitivity to this location..
2.-One storey limit with substantial setback from Pt Nepean Rd. preferred.

Commercial Zone
1.Retain 8 metre setback at storey 3 to minimize impact of built environment on street users who are the people most impacted by over development.
.Do not be seduced by developers whose goal is to maximize profit and have little interest in the street scape.
2. I urge the council to **Be strict with planning .Reflect guidlelines of built form at Koonya H. and adhere to Heritage Design Guidelines to** maintain the spirit of the town.

The amendment C286 lacks vision, is pro over development and does not appear to take into account the urgency to preserve, the need to show restraint or take into account the character which drawsand supports residents and visitors alike.

I have provided detailed comments on attached sheets			Yes ☐ / No ☒
Signature	[redacted]	**Date**	12/10/22

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.

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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. 41

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

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 ☐ / No x
If yes, who?	
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 x	I visit the area ☐
I own land affected by the amendment ☐	Other (please detail below) ☐

In summary, my comments are

I object to the proposed change to the building design protocols, specifically, for the East-Sub Precinct.

This corner on Point Nepean Road is the 'gateway' to the historic Sorrento township.

The proposed changes will significantly increase the heights and reduce the setbacks that could be built on this corner.

Buildings constructed on this site to maximum heights and minimum setbacks will be -
(1) very bulky and imposing,
(2) out of character with the township in general, the approach properties on Point Nepean Road and completely out of character with the adjacent Koonya hotel site.
(3) significantly interrupt the view from the foreshore up to the township, specifically to the Continental Hotel, Stringers and Stringer's corner

The amenity of adjacent properties, those in the Esplanade area and specifically, Koonya and Montevista apartments, will be significantly reduced and the 'dynamic' of the area will be permanently altered.

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

I have provided detailed comments on attached sheets	Yes ☐ / No x
Signature [redacted] **Date**	13 · 10 · 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. 42

[redacted]

From: [redacted]
Sent: Thursday, 13 October 2022 6:37 PM
To: Strategic Admin
Subject: Amendment C286morn-Submission

Please find following my submission to Council re the above:

I **oppose** the amendment because I am of the strong view that the changes proposed to DDO28 will adversely and severely impact the existing built form and historic character of the Ocean Beach Road Commercial precinct going forward.

Following are the specific changes that I would like to see made to the amendment:

North West, South West and Central Sub Precincts

- Maximum street wall heights should not exceed 8metres (vs proposed 9 metres)
- Maximum building heights should not exceed 11 metres (vs proposed 12 metres)
- Buildings should not exceed 3 stories, and where there is a third storey proposed, then it must be set back 8 metres from the second storey below (current setback proposed is 4 metres). This includes both set backs on both frontages of corner buildings-the corner Stringer building is a very specific example of the need for such a control.
- Services such as lift overruns/aircon units on rooftops must be concealed from public view to the maximum extent possible. The 4m height allowance in the new DDO28 for services up to 10% of the third storey roof surface is quite unacceptable in a Historic township environment
- The requirement that "Views of significant heritage buildings must be protected " (this provision deleted in the new DDO28) should be re-instated.
- Signage provisions must include a requirement such as " a sign must not diminish or distract from key views along the township approach or within the township or adversely impact the heritage characteristics of the township". Some controls re number per business and size should also be considered. There are currently no signage provisions in the old or new DDO28 (consider the impact of McDonalds or Red Rooster etc signage in/around the historic township going forward)

East Sub Precinct

- Maximum wall height should not exceed 8metres (current proposed 9 metres
- Maximum stories two (current proposed 3 stories)
- Buildings to be setback consistent with the Koonya Hotel setbacks from Pt Nepean Rd
- Given the significance of this area as the entrance to the township any proposed new buildings here must be consistent in built form and character to adjacent heritage buildings
- Signage controls and view lines for this precinct to be as above for the North West, South West and Central sub precincts.

Other

Given the Historic significance of the Sorrento township, all development applications proposed for the Ocean Beach Rd Commercial Precinct should be automatically called in for a higher level of consideration by the Planning Services Committee and not dealt with under delegation.

[redacted]

Submission No. 43

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

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 ☐ / 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 support seeking an exemption within the proposed town planning amendment specific to the site at 19 Constitution Hill Road.

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.

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.

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.

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

We 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 [redacted] **Date** 17/10/22.

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.

Submission No. 44

From: [redacted]
To: Strategic Admin
Subject: Amendment C286morn - Submission
Date: Thursday, 20 October 2022 9:40:59 AM

Hi
[redacted]

I am objecting to this amendment C286morn as it will further adversely impact the existing built form and the historic character of the Sorrento commercial precinct.

Regards
[redacted]

Submission No. 45

From: [redacted]
To: Strategic Admin
Subject: Amendment C286morn Submission
Date: Thursday, 20 October 2022 1:27:28 PM

My name is [redacted]

I strongly object to the proposed changes outlined in C286morn as they will adversely impact the existing built form and historic character of the Sorrento Commercial precinct.
Yours sincerely
[redacted]

Submission No. 46

From: [redacted]
To: Strategic Admin
Subject: Fw: Amendment C286morn
Date: Thursday, 20 October 2022 2:49:55 PM

Enclosed Is My Objection Submission

[redacted]

From: [redacted]
Sent: Wednesday, 19 October 2022 2:44 PM
To: [redacted]
Subject: Amendment C286morn

To strategic.admin@mornpen.vic.gov.au

Amendment C286morn- Submission

Please find following my submission to Council re the above:

I **oppose** the amendment because I am of the strong view that the changes proposed to DDO28 will adversely and severely impact the existing built form and historic character of the Ocean Beach Road Commercial precinct going forward.

Following are the specific changes that I would like to see made to the amendment:

North West, South West and Central Sub Precincts

- Maximum street wall heights should not exceed 8metres (vs proposed 9 metres)
- Maximum building heights should not exceed 11 metres (vs proposed 12 metres)
- Buildings should not exceed 3 stories, and where there is a third storey proposed, then it must be set back 8 metres from the second storey below (current setback proposed is 4 metres). This includes both set backs on both frontages of corner buildings-the corner Stringer building is a very specific example of the need for such a control.
- Services such as lift overruns/aircon units on rooftops must be concealed from public view to the maximum extent possible. The 4m height allowance in the new DDO28 for services up to 10% of the third storey roof surface is quite unacceptable in a Historic township environment
- The requirement that "Views of significant heritage buildings must be protected " (this provision deleted in the new DDO28) should be re-instated.
- Signage provisions must include a requirement such as " a sign must not diminish or distract from key views along the township approach or within the township or adversely impact the heritage characteristics of the township". Some controls re number per business and size should also be considered. There are currently no signage provisions in the old or new DDO28 (consider the impact of McDonalds or Red Rooster etc signage in/around the historic township going forward).

East Sub Precinct

- Maximum wall height should not exceed 8metres (current proposed 9 metres

- Maximum stories two (current proposed 3 stories)
- Buildings to be setback consistent with the Koonya Hotel setbacks from Pt Nepean Rd
- Given the significance of this area as the entrance to the township any proposed new buildings here must be consistent in built form and character to adjacent heritage buildings
- Signage controls and view lines for this precinct to be as above for the North West, South West and Central sub precincts.

Other

Given the Historic significance of the Sorrento township, all development applications proposed for the Ocean Beach Rd Commercial Precinct should be automatically called in for a higher level of consideration by the Planning Services Committee and not dealt with under delegation.

Submission No. 47

From: [redacted]
To: Strategic Admin
Cc: [redacted]
Subject: Amendment C286 Submission from Nepean Conservation Group Inc
Date: Friday, 21 October 2022 8:51:06 PM
Attachments: NCG C286 submission .docx
DDO 28- C 286 Comparison Table -NCG submission.pdf
MPS C286 DDO28 comparison NCG submission.pdf
Importance: High

Team Leader, Strategic Planning
Re: Amendment C286morn – submission
Please find attached the Amendment C286 Submission from Nepean Conservation Group Inc.
There are three documents: NCG C286 submission; DDO 28- C 286 Comparison Table -NCG submission; and MPS C286 DDO28 comparison NCG submission.
Thank you for the opportunity to review and make comment on the Amendment C286.
Please advise if you have any further comments or queries.
Yours sincerely

[redacted]
Nepean Conservation Group Inc
[redacted]

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Deakin University does not warrant that this email and any attachments are error or virus free.

NEPEAN CONSERVATION GROUP INC
ABN 44 531 738 131 Reg. No. AOO 20791U
PO Box 157, Sorrento, 3943
www.nepeanconservationgroup.org.au info@nepeanconservationgroup.org.au

C286 submission, via email.

Introduction
The Nepean Conservation Group Inc was formed in 1973. The NCG's vision is for people to understand and appreciate the natural, cultural and built heritage that contributes to the sense of place of the Nepean Peninsula, in order to protect and conserve the amenity and enhance the character of the Nepean Peninsula.

The NCG has over decades advocated for the preservation and conservation of the heritage of the historic coastal township of Sorrento. We are very supportive of putting in place mandated controls over Ocean Beach Road Sorrento. We are pleased to be able to respond to the C286 amendment.

The NCG affirms the nature of Sorrento as a small historic coastal township on the Mornington Peninsula. The need for respecting and conserving its character, including limestone buildings (mostly 2 storeys), wide streets, and gaps between buildings for views and glimpses of place. Inappropriate development has already occurred (acknowledged in the report to the Mornington Peninsula Shire) and the NCG wishes to ensure this practice does not continue, hence the urgent need for mandatory heights in Ocean Beach Road. We continue to support height and setback mandates.

In summary the NCG submission includes the following points:
The NCG has particular concerns re the **Sub East Precinct**, which is the gateway to the township from Point Nepean Road and any development that should complement the Koonya opposite. The NCG supports a 2 storey maximum, with an 8 metre wall height limit; encourages a pitched roof; a 4 metre setback from the north western boundary on Point Nepean Road; and considers that the built form character should be similar to the existing built form at the Koonya Hotel corner. These considerations will ensure sightlines are maintained to the Continental Hotel and Stringers Stores as per the Sorrento Heritage Policy.

For the **North West / South West & Central Sub Precincts** the NCG considers a mandatory 8 metre setback on any third storey and an 8 metre wall height at boundary as necessary forkeeping the character of Sorrento township.

The NCG has also reviewed the DDO28 overlay and compared the existing with the new. There are many similarities, but the NCG considers that a number of the existing clauses should remain for the benefit of conserving the character of the township. We also address signage.

<u>Eastern precinct</u>
There are two main issues:
Proposed
- Construction of up to 9m to the boundary line and 12m for a third storey also to the boundary line

Why the NCG opposes this:
- It will impinge on the view up Point Nepean Rd to the township, and will adversely affect the visual gateway to the historic town;

- It will change the focus of the corner from the Kooyna to a massive 3 storey modern building on the opposite corner.
- Any first (ground floor) and second storey must match the setback of the building on the adjoining lot or the average of the setback the buildings on either side of the lot.

The NCG notes that the Built Form Review report does not specifically address the East Sub Precinct.

- Point Nepean Rd is effectively the gateway to the Historic Sorrento Township (often described as an Historic coastal village and referred to as a small township in the Mornington Peninsula Shire Planning Provisions). The proposed changes significantly increase the heights and reduce the setbacks required for buildings that may be constructed in the East Sub Precinct (current site of Rusty's and RipCurl).
- Remembering that basements and underground parking areas may protrude 1.2m above ground level then the maximum building height in this area is effectively increased to 13.2 metres plus 4 metres allowance for structures not exceeding in total 10% of roof area.
- Buildings constructed to max heights and min setbacks in this precinct will not only be grossly large and out of character with the township in general but also significantly reduce view lines to the heritage buildings – the Conti and to a lesser extent Stringers - from those on the foreshore and in cars approaching the township.
- Any buildings proposed in accordance with the proposed DDO28 will also be out of character with the historic Koonya hotel on the other side of Point Nepean Rd and the row of heritage listed properties immediately to the South along Point Nepean Rd.
- Buildings in the precinct constructed to the heights and setbacks proposed will significantly and unacceptably reduce amenity of properties adjacent to the precinct, particularly those in the Stuart Avenue area, and the Koonya and Montevista apartments.

<u>Building Heights and setback</u>

Proposed

- Raise building heights from 8m at the boundary to 11m
- Raise building heights from 11m to 12m for 3 storeys
- 2 storey must be to the boundary instead of matching the adjoining building
- 3 Storey set back from 8m to 4m
- The rationale is based on UK and American reports on streetscape design

Why the NCG opposes this:

- The UK and American models are not specifically relevant to the character of Australian historic townships which are characterised by wide open streets, often with tree plantings. No argument is put forward to substantiate the proposed application of these generic models to this place;
- The design theory behind the rationale of these models is not relevant to an Australian seaside streetscape such as Sorrento which is unique in its form of a wide street with wide spaces between buildings. The models have their place, and their appropriate application- but not here.
- The proposal will reduce the feeling of openness that was part of the original 'design' or township development. Openness is a critical factor, wide open spaces with long views to the sea/the Bay at one end and the back beach dunes at the other is a feature of Ocean Beach Road - at the heart of its unique character, its feel, its atmosphere. Low density development is central to preserving that character.
- We should not retrospectively be redesigning the historic urban layout, rather the new should be complementing and enhancing the existing character
- 19th century building proportions are very different from contemporary building proportions. The example selected in the report as inappropriate to the township stems from these differences and the lack of acknowledgement and respect for the existing place and its fabric and form.
- Responding to the built and environmental context is critical for a consistently good outcome.

EVALUATING GOOD STREETSCAPE CHARACTER (from the consultant's report)

In addition to the heritage values described in the *Ocean Beach Road Sorrento Heritage Policy (September 2015)* and the Statement of Significance for HO501 (Sorrento Commercial Precinct), there are commonly held urban design principles of good streetscape design. These relate to:

- street width relative to built-form height;
- the "grain" of development expressing the pattern of subdivision;
- the scale of buildings and their components;
- the orientation of buildings to the Public Realm; and,
- the responsiveness to context - both built and environmental.

The height to width ratio of streets, or the proportion of the cross-section of streets is widely accepted as a valid principle of good urban design. Various jurisdictions include this as a measure of "human- scaled development", which is expressed as a desirable urban design objective.

NCG comment:
We support "human- scaled development" and do not challenge the validity of the height -to -width ratio as a principle of "good urban design". But the models cited should be applied in the right setting and this is not that setting. Here we are not talking about "urban design"; the issue here is mandating heights and setbacks to complement and enhance the open, wide, main street of an historic coastal village, one with a unique character and history. And it needs to be remembered that the local planning instruments consistently reference the importance of Sorrento's status as a "coastal village". The models used in the report (from the UK, USA and Canada) have application in many streets in metropolitan Melbourne, but here their application in Ocean Beach Road Sorrento would have the effect of limiting, diminishing and hemming in Ocean Beach Road's sense of openness. That openness is fundamental to the character of this place.

The Sorrento Historic Precinct Policy contains the following relevant objectives:

- To protect and enhance vistas of both natural and man-made historical significance, views (in particular of the dunes at the back beach and of the sea at the front beach and along Ocean Beach Road ...)
- To ensure that new development is complementary to the significance and **character** (our emphasis) of the Precinct;
- To conserve and enhance the streetscapes of the Precinct and in particular Ocean Beach Road.

In our view the result of the proposed variations to the DDO28 height and setback limits will be to "densify" the built environment of Ocean Beach Road. They will not "enhance vistas of both natural and man-made historical significance", will not ensure that new development is "complementary to the character of the Precinct" and will not "enhance the streetscape ...of Ocean Beach Road". Over time, under the proposed height and set back limits, there will be higher, larger buildings with more visible mass up and down the street. The street will lose its local village character and the views, which are perhaps the jewels in the crown, will be diminished. This outcome will be completely at odds with the intent, and the spirit, of the Precinct Policy objectives set out above.

North West, South West and Central Precincts

- The main concerns in these three precincts thus relate to maximum wall heights, building heights and setbacks as well as compromised lines of view to heritage buildings.
- Column two of Table 1 changes from 8 metres max **building** height at street boundary to 9 metres max **wall** height effectively meaning that the buildings facing Ocean Beach Rd become more massive at the street boundary relative to existing heritage buildings, closing them in and dwarfing them in addition to changing the whole streetscape. With the exception of the Conti and possibly the Athenaem Theatre, none of the heritage listed buildings or other buildings of older construction come anywhere near 12m

height. Generally the wall heights of these buildings are between 5.5 and 6 metres with gabled or pitched rooves resulting in maybe total building height of possibly 8 metres.

- The reduction of third storey setbacks from 8 metres to 4 metres effectively exacerbates the massing effect noted above and further dwarfs the heritage buildings and also significantly alters the streetscape.
- We note that Council has selected the 4 m setback for third storeys when the Built Form Review report recommended setbacks ranging from 4 to 8m.
- It should be noted that there are a number of other changes to DDO28 including the removal of the line of sight controls and associated diagram, changes in max building heights and setback limitations to side streets and significant conflict with clause 43.02-6 and the heritage controls found elsewhere in the planning scheme. Please refer to the comparative table.

Signage

It is of note that there are no signage controls which are very important in these commercial areas and must be included, some consideration being

SIGNS

Purpose

To regulate the development of land for signs and associated structures.

To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.

To ensure signs do not contribute to excessive visual clutter or visual disorder.

To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Other practical applications could include:

- Only one sign per each premise and where multiple enterprises cohabit all signage must fit on one shared sign
- Signs must integrate with the overall design of the building in terms of scale, form and materials
- Signs must not detract from the preferred character and key views to landscape features
- Maximum height no more than XXXX
- No illumination
- Not be reflective
- A sign must not diminish or distract from key views along the township approach or within the township

Planning amendment process and consultation

Consultation has occurred with the local community some time ago and has been ongoing. The NCG has been involved at every stage.

Planning permit applications in the Ocean Beach Road Commercial Precinct should not be determined under delegation.

Such monumental changes proposed in C286 to the look, feel and amenity of Sorrento township must be considered by full council (Planning and Services Committee Meeting) with open opportunity for the community to present to the councillors in this forum.

Thank you for the opportunity to respond to the C286 amendment.
Yours sincerely

[redacted]

Table 1 – Mandatory buildings and works requirements

Column 1 Sub Precincts wall	Column 2 C 286 Maximum street height	Column 2-previous Maximum street wall height	Column 3-C286 Maximum building height	Column 3-previous Maximum building height	Column 4-C286 Building setbacks (setbacks do not apply to un-named lanes)	Column 4-previous Building setbacks (setbacks do not apply to un-named lanes)	NCG Comments
East	9 metres at the street boundary (comprising no more than 2 storeys)	8 metres (comprising no more than 2 storeys)	12 metres (comprising no more than 3 storeys)	8 metres (comprising no more than 2 storeys)	Any first (ground floor) and second storey must be built to the street boundary.	Any first (ground floor) and second storey must: .match the setback of the building on the adjoining lot or the average of the setback the buildings on either side of the lot.	The current 8 m height and 2 storey should be retained for the reasons set out separately. The matching of setbacks to the adjoining lots is essential to preserving the site lines up the hill to the township

Central	9 metres at the street boundary (comprising no more than 2 storeys)	8 metres (comprising no more than 2 storeys)	12 metres (comprising no more than 3 storeys)	11 metres (comprising no more than 3 storeys)	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. Where applicable, any third storey must be set back a minimum of 4 metres from the rear Morce Avenue street boundary	Any third storey must be setback: ▪ a minimum of 8 metres from the front building line of the second storey below; and ▪ where the site is on a corner with a named road or lane, a minimum of 3 metres from the side street building line or the second storey below.	The current 11 m height and 3 storey should be retained for the reasons set out separately. The matching of setbacks to the adjoining lots is essential. The requirement of the 4 metres setback to Morce Ave is acceptable.
Column 1 **Sub Precincts wall**	**Column 2 C 286** **Maximum street height**	**Column 2-previous** **Maximum street wall height**	**Column 3-C286** **Maximum building height**	**Column 3 - previous** **Maximum building height**	**Column 4-C286** **Building setbacks (setbacks do not apply to un-named lanes)**	**Column 4 – previous** **Building setbacks (setbacks do not apply to un-named lanes)**	**NCG Comments**

North West	9 metres (comprising no more than 2 storeys)	12 metres (comprising no more than 3 storeys)	Any first (ground floor) and second storey must be setback 5 metres from Ocean Beach Road. Any third storey must be setback a minimum of 4 metres from the first and second storeys below. Any third storey must be set back a minimum of 4 metres from the rear Morce Avenue street boundary.	11 metres (comprising no more than 3 storeys)	Any third storey must be set back a minimum of 4 metres from the first and second storeys below. Rear boundary setbacks must be in accordance with Diagram 1 of this schedule. **Note:** The rear boundary setback requirement only applies to buildings with a frontage to Ocean Beach Road.	Any first (ground floor) and second storey: · 5 metres from Ocean Beach Road. Any third storey must setback: · a minimum of 8 metres from the front building line of the second storey below; and where the site is on a corner with a named road or lane, a minimum of 3 metres from the side street building line or the second storey below.	The current 11 m height and 3 storey should be retained for the reasons set out separately. The current setbacks of 5m for the first storey and 8m for the third storey should be retained.
South West	9 metres at the street boundary (comprising no more than 2 storeys)		12 metres (comprising no more than 3 storeys)	11 metres (comprising no more than 3 storeys)	Any third storey must be set back a minimum of 4 metres from the first and second storeys below. Rear boundary setbacks must be in accordance with Diagram 1 of this schedule. **Note:** The rear boundary setback requirement only applies to buildings with	Any third storey must be setback: · a minimum of 8 metres from the front building line of the second storey below; and where the site is on a corner with a named road or lane, a minimum of 3 metres from	The current 11 m height and 3 storey should be retained for the reasons set out separately. The current setbacks of 8m for the third storey should be retained. Rear boundary set backs are acceptable.

Column 1 Sub Precincts	Column 2 C 286 Maximum street wall height	Column 2- previous Maximum street wall height	Column 3-C286 Maximum building height	Column 3 - previous Maximum building height	Column 4-C286 Building setbacks (setbacks do not apply to un-named lanes)	Column 4 - previous Building setbacks (setbacks do not apply to un-named lanes)	NCG Comments
					a frontage to Ocean Beach Road.	the side street building line or the second storey below.	

DDO28 -2021	PROPOSED DDO 28 -C286	NCG Comments	
1.0 Design Objectives			
To ensure that development makes a positive contribution to the low scale, coastal and historical character of the Ocean Beach Road commercial precinct.	To ensure that development makes a positive contribution to the low scale, coastal and historical character of the Ocean Beach Road commercial precinct.	The wording is the same and the objective is acceptable	
To ensure that development enhances the unique character of Ocean Beach Road and Point Nepean Road, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs.	To ensure that development enhances the unique character of Ocean Beach Road and Point Nepean Road, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs	The wording is the same and the objective is acceptable	
To promote the creation of a high quality public spaces within the Precinct including the maintenance of visual connection between existing historic buildings and the street.	To promote the creation of high quality public spaces within the Precinct including the maintenance of visual connection between existing historic buildings and the street.	The wording is the same and the objective is acceptable	
To ensure the provision of safe and convenient pedestrian connections throughout the Precinct.	No clause provided	Now covered in item 2 Building works	
To ensure that new development addresses the Ocean Beach Road frontage.	To ensure that new development addresses and activates the Ocean Beach Road frontage.	The wording is substantially the same and the objective is acceptable. Need for “activates”?	
To ensure that the existing limestone buildings continue to be a major feature of the streetscape by maintaining the existing building line along Ocean Beach Road.	To ensure that the existing limestone buildings continue to be a major feature of the streetscape by maintaining the existing building line along Ocean Beach Road.	The wording is the same and the objective is acceptable	
To provide for a graduated change in building height from both the Ocean Beach Road and Morce Avenue frontages.	No clause provided.	Now covered in item 2 Building works	
To ensure that building additions and infill development achieves design and architecture excellence	No clause provided	Now covered in item 2 Building works	

To ensure that views of significant heritage buildings are protected.	No clause provided	Now covered in item 2 Building works	
DDO28 -2021	**PROPOSED DDO 28 -C286**	**NCG Comments**	
2.0 **Buildings and works**			
An application for development within Ocean Beach Road commercial precinct (as defined in Map 1) must be accompanied by a planning report, site context analysis and design response report that demonstrates how the proposal achieves the design objectives and the requirements of this schedule and set out in the background document Ocean Beach Road Commercial Precinct Sorrento Heritage Policy – For Planning Applications for Places in the Heritage Overlay – September 2015 by HLCD Pty Ltd	The following buildings and works requirements apply to an application to construct a building or construct or carry out works.	The wording is acceptable	
An application for development exceeding 8m in height within Ocean Beach Road commercial precinct (as defined in Map 1) must be accompanied by a sightline diagram that demonstrates general compliance with the sightlines shown in Diagram 1.	Where applicable, all new development within the North West and Central Sub Precincts should provide for pedestrian connections between Ocean Beach Road and Morce Avenue, to the satisfaction of the responsible authority.	The wording is acceptable	
Detailed plans, including palette of materials and finishes.	A permit may be granted to vary this requirement provided the responsible authority is satisfied that the provision of a pedestrian connection on a specific site is not required.	The wording is acceptable	
A perspective or photomontage detailing how the proposed development will sit within the streetscape.	.The first (ground floor) and second storey of all new development within the South West Sub Precinct should abut the street boundary.	The wording is acceptable	
DDO28 -2021	**PROPOSED DDO 28 -C286**	**NCG Comments**	

A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with any requirement in a schedule to this overlay.	A permit may be granted to vary this front setback requirement to allow new development to maintain a staggered street edge.	The wording is acceptable	
The following buildings and works requirements apply to an application to construct a building or construct or carry out works: • A building with a frontage to Ocean Beach Road, Point Nepean Road, Melbourne Road, Constitution Hill Road, Darling Road or Kerferd Road, must not exceed the maximum height at road frontage specified in Column 2 of Table 1. • A building must not exceed the maximum building height and the number of storeys specified in Column 3 of table 1 • A building must be setback at least the distance specified in Column 4 of Table 1 where it has a frontage to Ocean Beach Road, Point Nepean Road, Melbourne Road, Constitution Hill Road, Darling Road or Kerferd Road.	**Mandatory requirements** The requirements listed below and included in Table 1 are mandatory. A permit cannot be granted to construct a building or construct or carry out works which are not in accordance with these requirements:	The wording is acceptable	
	Development must not provide for a retail frontage to Morce Avenue. All new development must be connected to: – A reticulated sewerage system or an alternative approved by the responsible authority. – A reticulated drainage system or alternative approved by the responsible authority.		
The mandatory requirements in Table 1 do not apply to: • Architectural features, masts, building services (including lift overrun) or enclosed stairwells that do	The mandatory requirements in Table 1 do not apply to: • Architectural features, masts, building services (including lift overrun) or enclosed stairwells that do not		

DDO28 -2021	PROPOSED DDO 28 -C286	NCG Comments	
not exceed the required height limit specified in Column 3 by more than 4 metres. The combined floor area of these features must not exceed 10% of the gross floor areas of the top storey of the building. • Any building which is listed on the Victorian Heritage Register. • Alterations or additions to a lawfully existing building that exceeds the height limits set out in Column 3 of Table 1, provided the existing maximum building height is not increased and the development is consistent with the Design Objectives and decision guidelines of this Schedule.	exceed the required height limit specified in Column 3 of Table 1 by more than 4 metres. The combined floor area of these features must not exceed 10% of the gross floor areas of the top storey of the building. • Any building that is listed on the Victorian Heritage Register. • Alterations or additions to a lawfully existing building that exceeds the height limits set out in Column 3 of Table 1, provided the existing maximum building height is not increased and the development is consistent with the Design Objectives and Decision Guidelines of this schedule. • Any verandah over the footpath within the Ocean Beach Road commercial precinct provided the verandah does not exceed the height limits set out in Column 3 of Table 1. • An awning or eave which extends off a building into the setback specified in Column 4, provided it does not exceed the height limits set out in Column 3 of Table 1. (See separate sheet)	The height of 4M for plant and lift over runs is excessive. It should be 2 M and depend on the visibility from the street. A verandah over a footpath must have mandatory requirements as the construction type is essential to maintaining a similar streetscape.	
3.0 Subdivision None specified.			

4.0 Signs None specified.	**4. Signs** None specified.	It is noted that current signage is adhoc and placed in random places on buildings. See photos More practical applications could include: • Only one sign per each premises and where multiple enterprises cohabit all signage must fit on one shared sign • Signs must integrate with the overall design of the building in terms	
DDO28 -2021	**PROPOSED DDO 28 -C286**	**NCG Comments**	
		of scale, form and materials • Signs must not detract from the preferred character and key views to landscape features • Maximum height no more than XXXX • No illumination • Not be reflective • A sign must not diminish or distract from key views along the township approach or within the township	

5.0 Application requirements None specified.	**5. Application requirements** The following application requirements apply to an application for a permit under Clause 43.02, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority: • A planning report, site context analysis and design response report that demonstrates how the proposal achieves the design objectives and the requirements of this schedule. • Plans which demonstrate compliance with the buildings and works requirements in Table 1, and Diagram 1 (as relevant to the South West Sub Precinct). • Detailed plans, including palette of materials and finishes.	These application requirements are consistent with the previous list in Buildings and works and are acceptable including the additional clauses highlighted.	
DDO28 -2021	**PROPOSED DDO 28 -C286**	**NCG Comments**	
	• An accurate perspective image or photomontage detailing how the proposed development will sit within the streetscape.		

6.0 Decision guidelines The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: • The extent to which proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network. • Whether proposed buildings obscure view lines to the identified significant features within the Sorrento township, as detailed in the *Ocean Beach Road Commercial Precinct Sorrento Heritage Policy – For Planning Applications for Places in the Heritage Overlay – September 2015 by HLCDPty Ltd* . • The extent to which the design responds to the design requirements for each Sub Precinct as set out in the *Ocean Beach Road Commercial Precinct Sorrento Heritage Policy – For Planning Applications for Places in the Heritage Overlay – September 2015 by HLCD Pty Ltd*	**6. Decision guidelines** The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: • The extent to which proposed buildings respect the preferred scale and form of development, particularly when viewed from the pedestrian network. • Whether proposed buildings are compatible with and respect the character of neighbouring buildings within the same streetscape. • The degree of activation of the public realm form new commercial development at the ground floor and upper levels. • The contribution of the proposal to the existing and historic character of the Commercial Precinct. • The design response to residential interfaces, including whether proposed buildings and works would have unreasonable amenity impacts on dwellings on adjoining residentially zoned land.	• Same clause • No reference to obscuring view lines which is an important issue. • The use of the term activation is queried. • Contribution to the Historic character of OB Rd is critical	

Submission No. 48

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

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 ☐ / 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

In response to the MPSC's request for Submissions to above amendment we make the following points:

East Sub Precinct

This corner of Point Nepean Road and Esplanade is considered to be the "gateway" to Sorrento. On the western corner is the Koonya Hotel which has an Individual HO and is covered by DDO3 with Mandatory Height limits of 8 metres/2 storeys.

A build on the *East Sub Precinct* of 3 storeys/12 metres would overshadow the historic Koonya Hotel and not "balance" the built form on this corner. It would severely diminish the sight lines to both historic buildings of The Continental Hotel and Stringers corner. Both icons of the Sorrento commercial precinct.

Furthermore, a 3 storey/12 metre build is in conflict with the current Heritage Design Guidelines: Sorrento Historic Precinct.

The built form of this Precinct should be:

- 8 metre wall height limit
- Encourage a pitched roof
- 2 storey maximum height limit
- 4 m setback from the north western boundary on Point Nepean Road
- Built form character should be similar to existing built form at the Koonya Hotel corner
- Ensure sightlines are maintained to the Continental Hotel and Stringers Stores

as per Heritage Design Guidelines: Sorrento Historic Precinct

In relation to the remaining Commercial Zone of Ocean Beach Road we would prefer that the setback be 8 metres at the third level with maximum wall height 8 metres.

Yours

[redacted]

I have provided detailed comments on attached sheets			Yes ☐ / No ☐
Signature	[redacted]	**Date**	22/10/22

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

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 No. 49

22 October 2022

[redacted]

Attention:

Mornington Peninsula Shire
Team Leader, Strategic Planning
Email: strategic.admin@mornpen.vic.gov.au

C286 morn proposed design controls of sub precincts - DDO28

Submission

My husband and I are the owners of [redacted] **We object to the proposed amendment C286morn and the proposed design controls for all precincts to be covered in this amendment, but have particular reference to the East Sub Precinct area.**

As long term Sorrento residents, we like all other property owners in addition to tourists, **we will be directly impacted by the loss of connection to the township character of our historic small township should this amendment proceed with the proposed DDO28 controls. These controls are both deficient and weaken the current DDO28 and DDO10 controls, which have enabled support for managed growth without impacting the township character to significant negative effect.**

We are also **very concerned** about **the loss of amenity across the township. In Sorrento, historic charm and streetscape character is an important asset that must be respected and retained.** It is why we are ratepayers in the Shire, it is why tourism flourishes. It is why there is a heritage overlay over the area and why several buildings within this overlay carry their own heritage citations.

The **proposed DDO28 (which should in no way be confused with the current DDO28)** will permit developers to **overbuild** this streetscape, make it **higher, denser**, **diminish setbacks** to bring a **crowding, closed in effect to the street**.

This will not only **block viewlines to and from valued heritage form** and **significantly impact the rhythm of the streetscape**, but it will also bring unintended consequences such as further **parking pressures** as it will permit more apartments, more shops, more cafes, more commerce. This in turn will **make visiting Sorrento untenable and destroy all that makes our township attractive.**

We submit:

1. Proposed DDO28 Objectives

The **proposed change to increasing height allowance and reducing setback allowance is unsympathetic with the existing built form and planning controls over current land use.** The current controls have stepped out far enough and any greater relaxation will bring **alteration to the rhythm** of Ocean Beach Road between the Stringers/Continental corner and the Melbourne Road roundabout. It will also **diminish the significance and character of the heritage along that stretch by dwarfing and enclosing these landmark buildings, many of which feature in the Shire tourism marketing initiatives.**

In addition the **ability to permit mechanical services up to four metres over the increased height allowances of 9 metres bringing a total of 13 metres of visual clutter is totally unacceptable**.

Incorporating the East sub precinct under the same DDO umbrella is completely inappropriate and shortsighted. This is an **important parcel of land to the township amenity and attractiveness** and as such it **needs and should have very different control guidelines and mandatory requirements**. *(Please refer to a more indepth discussion of this precinct later in this submission.)*

2. Mornington Peninsula consultant studies and Heritage Council guidance:

a) Essential Economics Pty Ltd Activity Centre Strategy (2018):

Sorrento is classed as a small township. Page 86 state,

*"**Sorrento has a high-quality street-based shopping environment which is expected to continue to perform strongly over coming years.** The level of activity is strongly seasonal, reflecting Sorrento's attraction for visitors, and which is supported by the location of the Sorrento/ Queenscliffe ferry terminal. Although **residential growth in the Sorrento catchment is expected to be relatively limited, and no additional commercial land is considered necessary,** current development proposals demonstrate that there is still scope for infill/re-development based particularly on mixed use and visitor oriented development. **The primary challenge in this context is to ensure that new development is appropriate to the historic and coastal character of Sorrento, which is its greatest competitive advantage."***

b) Heritage Council of Victoria – New Buildings in an Area of Heritage Overlay

"5.1 Objectives –

- *To ensure that **new buildings enhance the character and appearance of the Heritage Place***
- *To ensure that **new buildings do not adversely affect the significance, character or appearance of the Area Heritage Overlay** (HO)*
- *To ensure that **Contributory Elements retain their prominence in the Heritage Place and are not dominated by new buildings**…*

*"5.3 Matters for Consideration - In assessing the **appropriate form for new buildings which are visible from the public realm**, consideration should be given to whether: • **the height, bulk, setbacks, roof Form, facade pattern, finishing materials and the rhythm of open spaces respect or would negatively impact upon the prominence of the adjoining and adjacent contributing elements, including the impact from adjacent streets**;"*

c) Urban Ethos – Neighbourhood Character Study, Background Report (March 2019) Chapter 4 Part 2, pages 12 - 18

"Sorrento

*"Outcomes from recent consultation - Concerns & Threats. **Engagement with the community and Councillors has identified the below key threats and concerns** in relation to climate change, **design and character in Sorrento**.*

*"The **top concerns** mentioned across all forms of community engagement were:*

*• **Overdevelopment** • Older buildings not being maintained • **Inappropriate design and development** • **Large building footprints for new developments***

*"Aspirations Engagement has revealed that respondents **highly value** the following elements of Sorrento, which **should be maintained and enhanced** through this strategy and other actions:*

• ***Coastal character to be retained*** • *Abundance of native vegetation* • ***Maintained streetscapes and landscaping."***

The above two commissioned consultant expert and the Heritage Council of Victoria examples are all aligned to the premise that **Sorrento is at risk of overdevelopment and inappropriate development as exhibited in the Shire's Amendment C286morn Information Sheet – Proposed Design Controls for the East Sub Precinct of DDO28 with specific reference to Figures 3 and 4.**

The **proposed DDO28 will contribute to these risks across the township, not assist in protecting from such development.**

Whilst **it is not contested that development on the corner of Point Nepean Road and the Esplanade opposite the Koonya Hotel is more than desirable, controls should be clear and mandatory towards enhancing the current landscape, character and built design, not destroy beneficial character drawn from heritage elements and current DDO28 controls. Due respect, sympathy and reference is also required for the heritage listed foreshore opposite.**

3. Signage

It is noted that there are **no signage controls in the proposed DDO28**. Whilst Clause 52.05 does provide some generic signage control, we believe that **specific signage controls are required across the township. In particular at the township gateway** such specificity should include (but may not be limited to):

Any new sign must:

- Be of a size that does not dominate or compromise the existing landscape or design of a building.
- Not be internally illuminated.
- External lighting will be considered, provided proposed lighting does not interfere with amenity and usage of adjoining or nearby properties
- External lighting must not impact vehicular movement and safety on any road intersection.
- Signage cannot be be a reflective sign as defined in .....
- No sign can exceed a height of 5 metres above ground level or 1.5 metres in width and must not be located between a building line setback and a front boundary
- Where more than one business or entity occupies a premises, only one sign can be installed and all occupying this premises must share the available signage space.

Summary

- **The current proposal should be abandoned. We draw attention Urban Ethos statement.** *"The current DDO10 and DDO28 are specific to Sorrento and ensure development contributes to the unique coastal and historical character of the area."* {Urban Ethos March 2019].

We totally agree with this analysis and is the basis for our submission objection to the proposed DDO28 in Amendment C286morn.

- **The land parcels nominated within the proposed DDO28 precincts should be split into two parts:**

a) Part one – Southwest precinct, Northwest precinct, Central sub precinct;

These precincts should be considered **the commercial heart of Sorrento, the main focus of Ocean Beach Road as the township hub for all things transactional. Controls over these precincts should be as per the current DDO28 and DDO10 which have served the town satisfactorily.**

b) Part two – East sub precinct

This precinct is of **social, cultural and heritage significance to Victoria and indeed nationally**. As the **major township gateway** from Melbourne along Point Nepean Road and via the Searoad Ferry Services from Queenscliff, **this approach requires its own DDO including mandatory height of 6 metres, generous setbacks that encourage viewlines** as Ocean Beach Road rises to the township strip, **design elements complementing the heritage properties adjacent, nearby and contributing, plus openness for viewlines to complement the township character and foreshore attractiveness** looking east or west, to or from the town. **Signage controls must enforce discreet announcements, not detract from this very special "welcome mat" location to our town, which is yet to be revealed in its full potential.**

Such a DDO should be developed, advertised and progressed with priority before unwelcome, irreversible development occurs in this gateway approach.

Backgrounding to this position

A standalone DDO for a township approach is not uncommon in Victoria for towns where the township character is of major aesthetic and economic relevance for tourism opportunity and community sustainability. As examples refer:-

- **Mansfield Shire Planning Scheme** – ***"Schedule 1 to clause 43.02 Design and development overlay…Alpine Approaches and Township Gateways*** *C43mans Design objectives: Ensure that building siting, design, form, height, appearance, scale and materials that are compatible with the role of land as an alpine approach or gateway to and from the Mansfield or Merrijig townships"*
- **Yarra Ranges Planning Scheme Clause 15.01-6S Strategy** – *"Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located."*
- **Borough of Queenscliff Planning Scheme 15.01-6S Strategy** – *"Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located."…and* ***15.03-1S Heritage Conservation*** *– "Encourage appropriate development that respects places with identified heritage values… Retain those elements that contribute to the importance of the heritage place….Ensure an appropriate setting and context for heritage places is maintained or enhanced."*

We also draw attention to **43.02 Schedule 1 design objectives** which share many of the elements that Sorrento could benefit from regards sympathy to the character and amenity of the township.

And without labouring the point, we are sure further planning research would show **other small townships with a likeminded residential/tourist economic sustainability**

attraction would have, or be in the process of, shoring up township approaches and indeed township overlays to protect the very fabric of their appeal and charm.

In conclusion, **the proposed amendment C286 DDO28 is totally and completely unacceptable.**

This amendment diminishes heritage and township character, seaside and coastal ambience, and encourages and permits overdevelopment across the most sensitive areas of Sorrento. This amendment is strategically disastrous for Sorrento township and must be dismissed in full by Councillors.

Do not waste Council time and ratepayer's time and money in pursuing this amendment through a Panel Hearing, which it is noted has been assumed as a given, even prior community advertising has concluded, with dates already granted in early 2023.

Ratepayers will strongly oppose such a misconceived amendment.

We would be glad to talk further and would like to be included in any consultation.
We look forward to receipt acknowledgement of our objection.

Please contact us at [redacted]

Kind regards

[redacted]

Submission No. 50

From: [redacted]
To: Strategic Admin
Subject: Amendment C286morn- Submission
Date: Sunday, 23 October 2022 11:57:47 AM

Amendment C286morn- Submission

I **oppose** the amendment because in my opinion, the changes proposed to DDO28 will adversely and materially impact the existing built form and historic character of the Ocean Beach Road Commercial precinct. Additionally, the reasons given to justify the changes appear poorly researched and unlikely able to deliver the stated benefits.

May I suggest the following changes be considered:

North West, South West and Central Sub Precincts

- Maximum street wall heights should not exceed 8metres (vs proposed 9 metres)
- Maximum building heights should not exceed 11 metres (vs proposed 12 metres)
- Buildings should not exceed 3 stories, and where there is a third storey proposed, then it must be set back at least 6 metres from the second storey below (current setback proposed is 4 metres). This includes both setbacks on both frontages of corner buildings- the corner Stringer building is a very specific example of the need for such a control.
- Services such as lift overruns/aircon units on rooftops must be concealed from public view to the maximum extent possible. The 4m height allowance in the new DDO28 for services up to 10% of the third storey roof surface appears incongruous in a Historic township such as Sorrento.
- The requirement that "Views of significant heritage buildings must be protected " (this provision deleted in the new DDO28) should be re-instated. One of the oldest townships in Victoria needs preservation; it is iconic and unique and should be afforded the protection it deserves.
- Signage provisions must include a requirement such as " a sign must not diminish or distract from key views along the township approach or within the township or adversely impact the heritage characteristics of the township". Some controls re number per business and size should also be considered. There are currently no signage provisions in the old or new DDO28. Adapting one's trademark (through signage), is not as difficult as it seem and would done properly, it would enhance the character of the township.

East Sub Precinct

- Maximum wall height should not exceed 8metres (current proposed 9 metres
- Maximum stories two (current proposed 3 stories)
- Buildings to be setback consistent with the Koonya Hotel setbacks from Pt Nepean Rd
- Given the significance of this area as the entrance to the township any proposed new buildings here must be consistent in built form and character to adjacent heritage buildings
- Signage controls and view lines for this precinct to be as above for the North West, South West and Central sub precincts.

Other

Given the Historic significance of the Sorrento township, all development applications proposed for the Ocean Beach Rd Commercial Precinct should be automatically called in for a higher level of consideration by the Planning Services Committee and not dealt with under delegation.

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Submission No. 51

Amendment C286morn- Submission

I **oppose** the amendment because I am of the view that the changes proposed to DDO28 will adversely and severely impact the existing built form and historic character of the Ocean Beach Road Commercial precinct going forward.

I note that council seems to take the view that the main issues of concern may relate only to the East Sub Precinct. I want to iterate that my concerns relate to all the Commercial Precincts.

Following are the specific changes that I would like to see made to the amendment:

North West, South West and Central Sub Precincts

1. Maximum street wall heights should not exceed 8metres (vs proposed 9 metres)
2. Maximum building heights should not exceed 11 metres (vs proposed 12 metres)
3. Buildings should not exceed 3 stories, and where there is a third storey proposed, then it must be set back 8 metres from the second storey below (current setback proposed is 4 metres). This includes both set backs on both frontages of corner buildings-the corner Stringer building is a very specific example of the need for such a control.
4. Services such as lift overruns/aircon units on rooftops must be concealed from public view to the maximum extent possible. The 4m height allowance in the new DDO28 for services up to 10% of the third storey roof surface is quite unacceptable in a Historic township environment
5. The requirement that "Views of significant heritage buildings must be protected " (this provision deleted in the new DDO28) should be re-instated.
6. Signage provisions must include a requirement such as " a sign must not diminish or distract from key views along the township approach or within the township or adversely impact the heritage characteristics of the township". Some controls re number per business and size should also be considered. There are currently no signage provisions in the old or new DDO28 (consider the impact of McDonalds or Red Rooster etc signage in/around the historic township going forward).

East Sub Precinct

1. Maximum wall height should not exceed 8metres (current proposed 9 metres
2. Maximum stories two (current proposed 3 stories)
3. Buildings to be setback consistent with the Koonya Hotel setbacks from Pt Nepean Rd
4. Given the significance of this area as the entrance to the township any proposed new buildings here must be consistent in both built form and character to that of adjacent heritage buildings
5. Signage controls and view lines for this precinct to be as in points 5 and 6 above as outlined for the North West, South West and Central Sub precincts.

Other

Given the historic significance of the Sorrento township, all development applications proposed for the Ocean Beach Rd Commercial Precinct should be automatically given a higher level of consideration and not dealt with under delegation.

Submission No. 52

From: [redacted]
To: Strategic Admin
Subject: Amendment C286Morn Submission
Date: Sunday, 23 October 2022 9:11:49 PM

To whom it may concern,
Re: Amendment C286Morn Submission

I strongly oppose this amendment because I am of the view that the changes proposed to DDO28 will adversely and severely impact the existing historical character of the Ocean Beach Road Commercial precinct going forward. Rusty's Corner is the gateway and entrance to this historical coastal village...your proposal aims at turning this into a commercial town completely ignoring its historical significance & value....only a few local people were notified of these changes. Rusty's corner will be severely impacted further once the Ferry area is redeveloped. Traffic is already heavy on this corner and we cannot understand why VicRoads has not been involved in the planning for this corner...

Following are the specific changes that I would like to see made to the amendment:

North West, South West and Central Sub Precincts

1. Maximum street wall heights should not exceed 8metres (vs proposed 9 metres)
2. Maximum building heights should not exceed 11 metres (vs proposed 12 metres)
3. Buildings should not exceed 3 stories, and where there is a third storey proposed, then it must be set back 8 metres from the second storey below (current setback proposed is 4 metres). This includes both set backs on both frontages of corner buildings-the corner Stringer building is a very specific example of the need for such a control.
4. Services such as lift overruns/aircon units on rooftops must be concealed from public view to the maximum extent possible. The 4m height allowance in the new DDO28 for services up to 10% of the third storey roof surface is quite unacceptable in a Historic township environment
5. The requirement that "Views of significant heritage buildings must be protected " (this provision deleted in the new DDO28) should be re-instated.
6. Signage provisions must include a requirement such as " a sign must not diminish or distract from key views along the township approach or within the township or adversely impact the heritage characteristics of the township". Some controls re number per business and size should also be considered. There are currently no signage provisions in the old or new DDO28 (consider the impact of McDonalds or Red Rooster etc signage in/around the historic township going forward).

East Sub Precinct - Rusty's Corner

1. Maximum wall height should not exceed 8metres (current proposed 9 metres
2. Maximum stories two (current proposed 3 stories)
3. Buildings to be setback consistent with the Koonya Hotel setbacks from Pt Nepean Rd
4. Given the significance of this area as the entrance to the township any proposed new buildings here must be consistent in built form and character to adjacent heritage buildings
5. Signage controls and view lines for this precinct to be as above for the North West, South West and Central sub precincts.

Other

Given the Historic significance of the Sorrento township, all development applications proposed for the Ocean Beach Rd Commercial Precinct should be automatically called in for a higher level of consideration by the Planning Services Committee and not dealt with under delegation.

Kind Regards,

Submission No. 53

From: [redacted]
To: Strategic Admin
Subject: Amendment C286morn-submission
Date: Sunday, 23 October 2022 9:22:20 PM

To: Manager, Strategic Planning - Mornington Peninsula Shire.

Mornington Peninsula Planning Scheme Amendment C286morn - Submission.

[redacted]

I have lived in Sorrento since 2014 and have owned land in Sorrento since 1986.
I have worked in the East Sub Precinct of DDO28 since 2014.
Prior to 1986, I have been a regular visitor to Sorrento since 1954.
I know Sorrento very well.

I do not support the Amendment C286morn for numerous reasons.
I OPPOSE the Amendment C286morn, particularly as it applies to the East Sub Precinct for the following reasons:

In the Shire's accompanying documentation it states:
"The Amendment C286morn proposes to enhance the unique heritage and built form character of the precinct and that identified built form values are not eroded over time." Unfortunately, it (the Amendment C286morn) fails on many levels to ensure this statement of objective will be met, particularly as it applies to the East Sub Precinct.

Again, in the Shire's documentation, supposedly, the "Ocean Beach Road Built Form Review" provides the 'strategic justification based on extensive 3D modeling and testing'. I disagree. In fact, the example of the "extensive 3D modeling" as shown on the (mis)Information Sheet - Figure 3 & Figure 4 - are in themselves, misleading, as they are not an accurate representation of all the view lines (existing and potential) from the front beach to the historical Sorrento village landmarks on the hill, including the Continental Hotel and Stringers Stores. The Amendment fails to support it's own objective...
These are vital view lines to enhance the public amenity of the front beach area.
In the Building Design Controls proposed for the East Sub Precinct, any built form element must (yes, that's MUST) be built TO THE street boundary (why is this so important ?) and could be 2 storeys (ie. 9 metres) high. A third storey with overall building height of 12 metres (to those who can't visualise, that's nearly 40 feet high in the old language), is then set back just a minimum of 4 meters. This is a huge massing of built form on this corner property that essentially is the gateway to the village. There are just residential houses to the East of the subject Precinct and there are only commercial properties of two stories on the opposite corner fronting the Esplanade.
The question must be asked: "How does this make any responsible planning sence?
The building design controls proposals are totally out of context.
Furthermore, there are no Setbacks from the boundary proposed that, if included as a mandatory, would allow or ensure the inclusion of landscaping to link the East Sub Precinct more readily to the existing surrounding environment.

The Amendment fails in implementing the objectives of planning in Victoria (Section 4 (1) of the Planning and Environment Act 1987.
For example, the building design controls proposed for the East Sub Precinct will NOT "enhance the identified unique heritage and built form character of this sensitive coastal township". They are excessive in allowing a large visual bulk built form to exist that will loom over the surrounding area, create a crowded presence right to the roadside and restrict views to the township's historic built form.

The Amendment fails to address environmental, social and economic effects;
It fails to protect 'highly valued and sensitive built form characteristics of Sorrento' because the height, nil to minimum setbacks and visual bulk, particularly as proposed for the East Sub Precinct, are excessive. i.e. Too

high with multiple storeys, provide no setbacks at Street level, not enough setback at second storey level, allows massing that destroys existing view lines to the township and loss of public amenity from the beach. The village character will be lost and replaced with a character more aligned with the Melbourne CBD.

The Amendment fails to comply with the requirements of any Ministerial Direction applicable to the Amendment.
The Amendment is NOT consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7 (5) of the Planning and Environment Act 1987.
Is NOT consistent with Ministerial Direction 17, particularly in regards to the proposed building controls at the East Sub Precinct. It will not be consistent in "maintaining and enhancing the character and role of the settlements, towns and villages on the Mornington Peninsula."
It does NOT give careful attention to achieving good design which responds to and is appropriate to the character and function of the particular place, including consideration of built form and scale, access and connectivity, environmentally sensitive design, heritage, streetscape and landscape values. Nor consideration and protection of the heritage values of each township - in this case Sorrento - and as it applies to the East Sub Precinct.

The East Sub Precinct is directly opposite the beautiful, historic and highly popular Sorrento Front Beach and is the gateway to the Sorrento village when either travelling from Melbourne or arriving by ferry from Queenscliff.
The East Sub Precinct requires and deserves separate building controls:
In most cases, it is the first impression of Sorrento. The Amendment fails in providing a good and welcoming impression of a seaside village. It could well provide, unfortunately, a first impression of an unattractive place to visit - just another overbuilt area where commercial interests and poor planning have taken precedence and overshadows the existing seaside character.

The Amendment fails to support and implement the Planning Policy Framework and adopted State Policy as follows:
It fails on Clause 11.03-53 Distinctive Areas and Landscapes:
It does NOT protect and enhance the valued attributes of the distinctive areas of Victoria, such as the Mornington Peninsula, in this case, Sorrento village, Front Beach and arrival gateway, particularly in regards to the East Sub Precinct.
In referencing the "Mornington Peninsula Localised Planning Statement (Victorian Government, 2014), the Amendment fails in one of the key objectives - "to protect the role and character of the Mornington Peninsula's settlements and villages".
The Amendment fails to support "the principles of good design" because the proposed building controls for the East Sub Precinct will allow a massive visual bulk presence at the very seaside entrance to the village that is totally out of character to the immediate local built form, landscape and seascape (Front Beach) and the village heritage buildings.

The Amendment fails on Clause 15.01-1S-Urban Design:
In reference to the East Sub Precinct, it fails to "contribute to a sence of place". ie. "An attractive place to visit".
It fails to "require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate".
The proposed building controls fail in this context and allow excessive built form that is out of local character, are at odds with the natural features of the Sorrento Front Beach and the surrounding landscape.
By building to the boundary at a 2 storey/3 storey height with none to minimal setback, the total experience is changed from the present. It is a retrograde step.
The East Sub Precinct requires more appropriate setbacks and height limits to preserve the current character of the area.

The Amendment fails on Clause 15.01-2S Building Design:
It fails to "achieve building design outcomes that contribute positively to the local context and enhance the public realm".
Apart from failing on other objectives, the East Sub Precinct proposed building controls will fail to "ensure development is designed to protect and enhance valued landmarks, views and vistas".
Existing views to the historic Continental Hotel and Stringer Stores will be compromised and lost forever by a lack of setback at Street level, overbuilt form at Street level, large massing of built form and not enough setback at higher levels.
Similarly, views and vistas from the township on the hill to the beachfront will also be compromised and lost forever.

Furthermore, for the same reasons as previously stated, the Amendment fails to support the Municipal Planning Strategy in Clause 02.01 / 02.02 / 02.03 / 02.03-1 / 02.03-5.

The Amendment does NOT make proper use of the Victorian Planning Provisions as the updated DDO28 (which ensures future developments are sited and designed appropriately to respect the coastal and historical character of the Sorrento township), particularly in regards to the East Sub Precinct, will fail to do so due to a lack of appropriate setbacks, lack of landscaping provisions, overbuilding to 3 storeys and visual bulk that is out of context.

Finally, it is my considered opinion the the Amendment C286morn, particularly in regards to the East Sub Precinct, fails to address numerous key objectives and concerns and is hereby opposed.

[redacted]

Sent from my iPad

Submission No. 54

From: [redacted]
To: [redacted]
Subject: AMENDMENT C286MORN-SUBMISSION - OBJECTION
Date: Monday, 24 October 2022 9:42:28 AM
Attachments: MORNINGTON PENINSULA PLANNING SCHEMEAMENDMENT C286morn Objection.docx

Please find attached my objection letter for the abovementioned submission and proposed development in Sorrento.
Kind Regards,
[redacted]

Important Notice:
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Tuesday, 25 October 2022

By Email

[redacted]

Dear Sir/Madam

Objection to Amendment C286 to the Mornington Peninsula Shire Council

I [redacted] have received the above-mentioned notice of the council's intention to prepare Amendment C286 to the Mornington Peninsula Planning Scheme ("C286").

My interest in this issue is as a property owner of [redacted] which is behind one of the proposed development properties, and will be directly affected by these amendments.

I am supportive of Council pursuing permanent built form controls for the Sorrento Town Centre. The development of a permanent Design and Development Overlay ("DDO") for the Township will benefit the broader community and provide certainty of outcomes in respect to its future growth and development.

In this instance, however, I have some major concerns in respect to the drafting of the proposed DDO control and in particular the height restriction changes proposed for the East Sub Precinct.

(*Excerpts from The Morning Peninsula Planning Scheme Amendment C286morn Explanatory Report*)

a. 'Why is the amendment required?

The Amendment is required to apply permanent controls to the Sorrento commercial precinct that reflect the design objectives and mandatory design controls recommended by the Ocean Beach Road Built Form Review. The controls include mandatory requirements that limit the height and scale of future development within the precinct. The controls are necessary to ensure that new development protects and enhances the unique heritage and built form character of the precinct, and that identified built form values are not eroded over time through the cumulative impact of inappropriate development'

I believe that this amendment is in direct contradiction of the above paragraph, as the increase from 8 – 12 metre buildings will not ''enhance the unique heritage and built form character of the precinct', it will in fact be a detraction to the current 'village' atmosphere which is currently the major attraction for the area.

''Over the past five years Sorrento has received more mixed use three storey development applications (height applications compared to four applications for the Mornington activity centre) to that of the Mornington Activity centre making it a centre under significant development pressure, which is concerning given the centre is classified as a local neighbourhood centre'

The main rationale highlighted, was a demand for commercial and 'mixed use three storey' developments which does not take appropriate consideration to the impact on the community and the surrounding infrastructure. The property on the corner of Point Nepean Road and Grange Road has been earmarked as one of the first developments (situated in the east Sub Precinct). This location is the entry to the seaside village of Sorrento. A three-storey development will have a 9 metre high wall, 3.5 metres from the corner which blocks the view for crossing pedestrians and anyone trying to drive out of Grange Road onto Point Nepean. Even when cars are travelling at 40km, there will not be enough time to observe incoming traffic properly. Currently the Sorrento Fairy Terminal is carrying 800,000 people per year, with the anticipation on heavily increasing this number by Council approving the new terminal to enable the increase in capacity.

This intersection is considered the gateway to Sorrento as it is the main road entry to the town. Should the development be approved to build up boundary to boundary, it would severely impact the future possibilities of expanding or widening the road access and will not allow for what is now a very busy entry area to the village of Sorrento. Nowhere is it noted that Vic Roads have been engaged to assess the current or future issues entering the township, or safely accessing the Sorrento Pier, by this amendment. In addition, there is no continuity for the continuation of the bike path

b. *'In giving its support for mandatory controls for the Queenscliff township, the Panel firstly described the township as exuding 'special characteristics' and 'unique 'and which was 'clearly under threat from in appropriate development'.*
'Council officers believe that the above observations can be made about Sorrento town centre. Council has a clear vision that is supported by strategic research and ***is endorsed by many in the community****.'*

This statement is in contradiction of the amendment C286morn. Increasing height restrictions will severely compromise the 'special characteristics' of the township, and the reason many property owners have invested in the area. The East Sub Precinct site is a gateway to the village. With this as the first commercial development site to be seen as visitors and residents enter the township, it should maintain the 'special characteristics' noted above. A 12-metre-high, three storey, building on the corner of Point Nepean Road and Grange Road will impact the Heritage view, which is the entrance passage view from the Beach to the township. This view will be totally blocked. There will be a lack of council

control on the structure itself by the new view becoming balcony airconditioning units, clothing lines and storage on the balconies.

I believe increasing the height restrictions is clearly one of the threats to maintaining the village's uniqueness.

c. 'The amendment gives effect to and is consistent with the following objectives of planning in Victoria identified in section 4(1) of the Planning and Environment Act 1987:

- To provide for the fair, orderly, economic, and sustainable use and development of land. To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;
- To facilitate development in accordance with the objectives set out in the points above.
- To balance the present and future interests of all Victorians.'

The above clause points noted from the Planning and Environment Act 1987:

- the permanent residents of Sorrento, have not been consulted, only notified, of the proposed amendments, making it an 'unfair' development of land.
- Increasing the height restrictions will effectively compromise the aesthetic and culture of the village, the potential site restrictions for the main thoroughfare contradicts the 'pleasant and safe' recreational environment of Sorrento.

It is also noted that the document '*Ocean Beach Road Built Form Review'* developed as an integral review in the development of the amendment states that when the property is considered for development:
. ***"…care should be taken to maintain views of the historic house Quamby, and the tower of the Continental Hotel.'***
By removing the current restrictions as per the amendment, these views will be severely compromised.

I conclude that Council should reassess the amendment, specifically of the East Sub Precinct, and request that no development should be allowed more that 9m height, with a street wall no higher than 8m, and that it be set back, no less than 3.5m from the property boundary to maintain the 'special characteristics' and 'uniqueness' of the environment, and the potential expansion of roadway access.

Special consideration should be considered, not just for the historical buildings in the area, iconic buildings such as Quamby and the Continental hotel tower, but also to the residents that have invested significantly, and are passionate about, the Sorrento Village Street scape.

The impact of the building on more than 50 properties does not have any justification or provide any public benefit by changing the zoning to enable such a monstrous development.

At no time was there any extended community consultation in the early & initial stages of this future development.

I request that Council take into consideration all of the points raised above and keep me informed of any further proposals or changes surrounding the above-mentioned amendment.

Yours Sincerely,

Submission No. 54A (supplementary)

[redacted]

From: [redacted]
Sent: Monday, 2 September 2024 5:28 PM
To: Strategic Admin
Subject: Fwd: Proposed Amendment C286morn - Ocean Beach Road Sorrento Built Form Review – Re-exhibition notice to previous submitters
Attachments: image001.gif; image002.gif; image003.gif; image004.gif; image005.jpg; Mornington Peninsula C286morn - Exhibition - Letter to previous submitters.pdf; Amendment C286morn - Notice of preparation of amendment - Re-exhibition.pdf

We still currently object to the development. It is still not clear what the "actual height" of this development will be. Whilst the information shows 2 stories/9 meters, we seek clarify of exact proposed height!

In addition to our submission, should this development proceed, consideration of air conditioning units & amenities should be carefully considered to preserve the aesthetics of this important corner, which is the entrance to Sorrento.

Kind Regards,

[redacted]
Sent from my iPhone

Begin forwarded message:

From: Strategic Admin [strategic.admin@mornpen.vic.gov.au]
Sent: Friday, 19 July 2024 5:43 PM
To: Strategic Admin
Subject: Proposed Amendment C286morn - Ocean Beach Road Sorrento Built Form Review – Re-exhibition notice to previous submitters

Dear submitter,

You have been sent this correspondence as you were someone who provided a submission when Amendment C286morn was previously exhibited for public comment between July and October 2022.

The Mornington Peninsula Shire Council has prepared Amendment C286morn (Ocean Beach Road Sorrento Built Form Review) to the Mornington Peninsula Planning Scheme.

Attached is a cover letter and a notice of the preparation of an amendment where you can find more details about the amendment.

Kind regards

[cid:image001.gif@01DADA01.43DB5100]

Strategic planning

Email: strategic.admin@mornpen.vic.gov.au<mailto:strategic.admin@mornpen.vic.gov.au>

Phone: 03 5950 1003

Submission No. 55

From: [redacted]
To: Strategic Admin
Subject: Amendment C286morn
Date: Monday, 24 October 2022 12:01:04 PM

Dear Sir,
I strongly **oppose** the proposed amendment C286morn. The changes proposed to DDO28 will adversely and severely impact the existing built form and historic character of the Ocean Beach Road Commercial precinct going forward.

East Sub Precinct - Entry Corner into the Historical main village

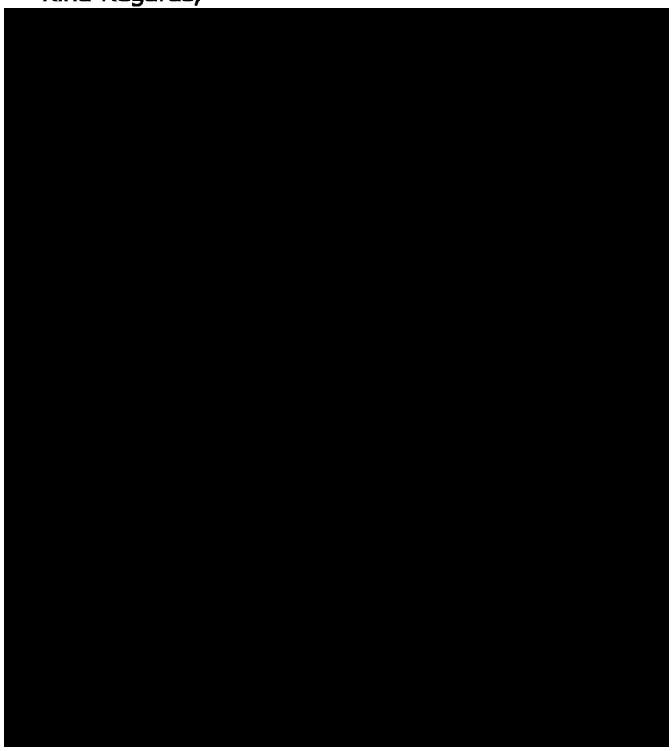
1. **Maximum wall height should not exceed 8metres (current proposed 9 metres)** - This corner is the gateway and entry point into the Historical Sorrento Village and every effort should be made to keep this unique coastal township and its Heritage. With future redevelopment plans of the Ferry, and increase in passengers and traffic on this corner, a boundary to boundary development would have a horrendous impact! I addition, at no point does it appear that Vic Roads was consulted!
2. **Maximum stories two (current proposed 3 stories)** - the proposal for a 3 storey building, 12 metres in height and built boundary to boundary greatly impacts this corner in a number of ways.
3. Any proposed buildings to be setback consistent with the Koonya Hotel setbacks from Pt Nepean Rd
4. Given the significance of this area as the entrance to the township any proposed new buildings here must be consistent in built form and character to adjacent heritage buildings.
5. Signage controls and view lines for this precinct to be as above for the North West, South West and Central sub precincts.

North West, South West and Central Sub Precincts

1. **Maximum street wall heights should not exceed 8metres** (vs proposed 9 metres)
2. **Maximum building heights should not exceed 11 metres** (vs proposed 12 metres)
3. **Buildings should not exceed 3 stories**, and where there is a third storey proposed, then it must be set back 8 metres from the second storey below (current setback proposed is 4 metres). This includes both set backs on both frontages of corner buildings-the corner Stringer building is a very specific example of the need for such a control.
4. **Services such as lift overruns/aircon units on rooftops must be concealed from public view to the maximum extent possible. The 4m height allowance in the new DDO28 for services up to 10% of the third storey roof surface is quite unacceptable in a Historic township environment**
5. **The requirement that "Views of significant heritage buildings must be protected " (this provision deleted in the new DDO28) should be re-instated**.
6. **Signage provisions must include a requirement such as " a sign must not diminish or distract from key views along the township approach or within the township or adversely impact the heritage characteristics of the township". Some controls re number per business and size should also be considered. There are currently no signage provisions in the old or new DDO28 (consider the impact of McDonalds or Red Rooster etc signage in/around the historic township going forward).**

Given the Historic significance of the Sorrento township, all development applications proposed for the Ocean Beach Rd Commercial Precinct should be automatically called in for a higher level of consideration by the Planning Services Committee and not dealt with under delegation.

Kind Regards,



Submission No. 56

From: [redacted]
To: Strategic Admin
Subject: Opposition to proposal for Rusty"s Corner - East Sub Precinct - C286Morn Submission
Date: Monday, 24 October 2022 12:05:16 PM

To whom it may concern,

Re: Amendment C286Morn Submission

I **oppose** the amendment because I am of the strong view that the changes proposed to DDO28 will adversely and severely impact the character of Sorrento main street as you enter – in particular I am very concerned about East Sub Precinct – Rusty's corner and that what is proposed seems to be driven more by a developer wanting to get his project through rather than what is good for this area.

I suggest the following specific changes that I would like to see made to the amendment:

East Sub Precinct - Rusty's Corner

1. Maximum wall height should not exceed 8 metres
2. Maximum stories two – similar to across the road where Italico and Morgans are.
3. Any proposed new buildings here must be in character to old Koonya hotel façade to keep this entrance to Sorrento looking consistent and historical so it continues to attract holiday makers and day trippers.

Other

Given the Historic significance of the Sorrento township, all development applications proposed for the Ocean Beach Rd Commercial Precinct should be automatically called in for a higher level of consideration by the Planning Services Committee and consultations held with all impacted locals.

[redacted]

Submission No. 57

From: [redacted]
To: Strategic Admin
Subject: Planning Scheme Amendment C286morn Submission
Date: Monday, 24 October 2022 12:57:26 PM

Dear Council,
Please find attached pages of submission to object to the amendment C286.
Kind regards
[redacted]

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

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 ☐
If yes, who?	[redacted]
Have you attached written consent from these people for you to represent them?	☐ No ☐

How would the proposal affect you?

I am a neighbour -YES☐	I visit the area ☐
I own land affected by the amendment ☐	Other (please detail below) ☐

In summary, my comments are

Sorrento is an important historic town, arguably one of the most important townships in Victoria, it has been a popular place for Melburnians to escape and enjoy a coastal retreat for generations.
It is listed on Mornington Peninsula website as; "A beautiful historic village that has retained much of its heritage in the form of the gorgeous limestone buildings."
This massive overdevelopment changes will impact the historic landscape and streetscape

Sorrento is loved for its unique topography, bay and ocean beaches, Historic township, Historic surrounding area and ambience.

Inappropriate development is rapidly undermining the value of what it offers, turning it into a shopping strip for tourism. Whilst it is clear that some allowance must be made for tourism there needs to be a balance or it will lose its charm. This is becoming a real threat!

We object completely to the proposed changes to building heights and setback or applying Commercial 12 metre height, third storey 4 metre setback on the grounds that it will completely alter the whole entry to the township and the appearance of the township, turning it into a commercial city style precinct.

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

Infrastructure is not sufficient for this development:
The entry to Sorrento is already a problem and during peak times a bottleneck of cars which block the highway and make entry a problem.

Parking also is a major issue, along with traffic congestion in the main street, putting pressure on all resident's access for their daily shopping and the parking spreading to surrounding areas which are part of the old historic Sorrento.

Sorrento is not a high growth area, it does not have surplus land for more housing. it is predominantly a holiday destination for Melburnians with a percentage of residents who like myself live there to escape the city style environment.

Community Consultation needed
This proposal is an ill- thought-out plan that needs to be out to the wider community as it will have a significant impact on the whole area of Sorrento and Portsea

Applying to the minister, by- passing community consultation is totally unacceptable, it deifies any sense of decency and appropriateness of planning and community consultation that we expect from our councils.

This permanent change to building heights in accordance with DDO28 means any new proposal in the so- called commercial precinct will be grossly and overwhelmingly out of character.

A question needs to be asked about who will benefit from this proposal?
Certainly not residents and rate payers.

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

I have provided detailed comments on attached sheets			☐/ No ☐
Signature	[redacted]	**Date**	24/10/2022

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:

Submission No. 58

From: [redacted]
To: Strategic Admin
Cc: [redacted]
Subject: Amendment C286morn – submission
Date: Monday, 24 October 2022 1:35:42 PM
Attachments: 22 10 24 NHS C286 Response.pdf

Please find a submission from The Nepean Historical Society attached.

[redacted]

Sorrento Museum

NEPEAN HISTORICAL SOCIETY Inc.

P.O. Box 139, Sorrento, Victoria 3943
Tel: 03 5984 0255
Email: president@nhs.asn.au

24 Oct 2022

Team Leader, Strategic Planning
Mornington Peninsula Shire
strategic.admin@mornpen.vic.gov.au

Subject: Amendment C286morn – submission

Statement of significance for HO501:

"The Sorrento Commercial Precinct demonstrates the principal characteristics of the Late Victorian, Federation and Inter-War periods of development, including the low scale of a seaside village, following the natural topography and a wide boulevard constructed to accommodate a steam tramway. It retains single and double storey commercial buildings which demonstrate typical Late Victorian, Federation and Inter-War forms, siting and features, constructed predominately from local limestone."
- Although the boulevard was not constructed originally to 'accommodate a steam tramway', We strongly agree with this statement and wish it to remain substantially the case.

"The proposed 3 storey height limit, with a recessed upper storey (at 4m from the front title boundary) will adequately address the 5 key design objectives that are proposed to be included within the updated DDO28. The height limit and setback controls will ensure a consistent 2 storey street wall and the inclusion of guidance surrounding preferred materiality and detailing will ensure that future development within Ocean Beach Road is appropriate for the context."

- Built Form Review 2021

We have a number of concerns regarding this proposed amendment.

A. Generally.

1. We believe the amended height limit is unsatisfactory.

a. While we recognise the planning principles in the Built Form Review, we would note that they are based on works from the UK Homes and Communities Agency (2015), The American Institute of Transportation Engineers and The State of Oregon manual.
There is no reference to other '*low scale of a seaside village'* examples. Therefor we have little confidence in the relevance of these international examples to our 'village'.
We would cite Queenscliff as a suitable example which we regard as a significant 'seaside village' that fully embraces its heritage.
Queenscliff, at a rough calculation has Street Ratios of between 1:3.5 and 1:4.

b. We accept that many of the existing and/or heritage two story buildings have a frontage exceeding 8m. We see no logic in allowing the precinct to be 'infilled' with higher new buildings causing the 'feature' buildings to be swamped. We wish to see that the existing and/or heritage buildings remain prominent within the streetscape.

So, we believe the current (temporary 8m) limit is satisfactory.

map accredited museum

REGISTERED CHARITY

2. Third story with 4m setback.

While we are generally in opposition to a third story, and would in future challenge this on heritage grounds in many cases, we believe a 4m setback is insufficient and should be at least 6m.
The reasons for this are the same as in 1.b. above.

B. Specifically relating to East sub precinct of DDO28

As this area forms 'the entrance' to Sorrento, we believe the recommended profile is substantially too high and of too great a bulk.

We accept that the two storey 'Koonya Hotel' is over 8m high, but don't see this as setting a precedent to allow higher buildings on the opposite corner. (As with 1.b. above).

Further, previous significant development of the corner involved a single storey building on the corner (Miss Isherwood's Tea Rooms) with the two storey (Keil's) picture and dance hall on the East side (see pic below).

This gave a much more proportioned 'entrance' to the village.

We believe that any new development on this corner should be restricted to two storeys. Or if a third is essential, the setback on both frontages should be at least 6m.

We would be opposed to any development that was above the gutter height of the buildings from 3279-3291 Point Nepean Rd. (or roof height with a pitched roof proposed).

Provision for setbacks to enable a verandah would be desirable.

We look forward to further discussion of this review.

Yours Sincerely

[redacted]

Submission No. 59

From: [redacted]
To: Strategic Admin
Subject: Objection to current proposal - Sorrento
Date: Monday, 24 October 2022 2:20:53 PM

Dear Sir,
I am a resident of Sorrento and am responding to the proposed amendment C286morn which will negatively impact the Historical township of Sorrento in its current format! In addition, the changes proposed to DD028, will significantly impact the built form and historical character of Ocean Beach Road. I therefore **strongly object** to the current proposal.
My comments on the proposed changes:
East Sub Precinct - Entry Gateway to the Historical Village of Sorrento
1. Maximum wall height should not exceed 8metres - The current proposal is to increase to 9 metres

- This corner is the gateway and entry point into the Historical Sorrento Village and every effort should be made to keep this unique coastal township and its Heritage. With future redevelopment plans for the Ferry Terminal upgrade, the increase from this upgrade in passengers and traffic on this corner, a boundary to boundary development would have a horrendous impact! In addition, at no point does it appear that Vic Roads was consulted or a more in-depth study on the impact of such a

building on this corner.

-

2. Maximum stories two - The current proposal is for an increase to 3 stories

The East Sub Precinct site is a gateway to the village. With this as the first commercial development site to be seen as visitors and residents enter the township, it should maintain the 'special characteristics noted on council documents. A 12-metre-high, three storey, building on the corner of Point Nepean Road and Grange Road will impact the Heritage view, which is the entrance passage view from the Beach to the township. This view will be totally blocked. There will be a lack of council control on the structure itself by the new view becoming balcony air conditioning units, clothing lines and
storage on the balconies.

3, Any proposed buildings to be setback consistent with the Koonya Hotel setbacks from Pt Nepean Rd. A boundary to boundary proposal should not even be a consideration
and it is clear very little consideration has been given to the impact such a development would pose on this corner with the proposed enhancement of the Ferry Terminal also impacting this area. Current traffic

conditions, the lack of a continuation of a bike path and the inability to see past the building as you are turning into the main village or from Grange Road.
4, Given the significance of this area as the entrance to the township any proposed new buildings here must be consistent in built form and character to adjacent heritage buildings.
5, Signage controls and view lines for this precinct to be as above for the North West, South West and Central sub precincts.

I believe increasing the height restrictions is clearly one of the threats to maintaining the village's uniqueness and opens up a situation where this town becomes like a suburb of Melbourne rather than a Historical coastal town...

North West, South West and Central Sub Precincts

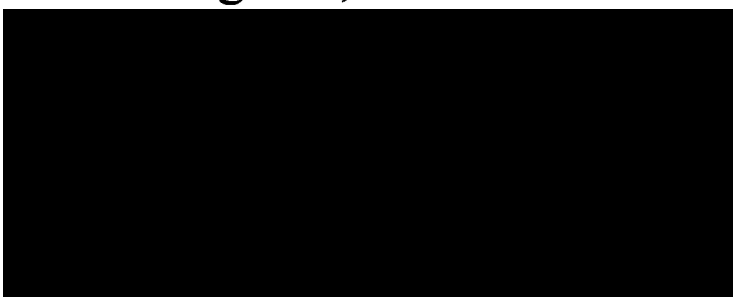
1. **Maximum street wall heights should not exceed 8metres**(vs proposed 9 metres)
2. **Maximum building heights should not exceed 11 metres**(vs proposed 12 metres)
3. **Buildings should not exceed 3 stories**, and where there is a third storey proposed, then it must be set back 8 metres from the second storey below (current setback proposed is 4 metres). This includes both set backs on both frontages of corner buildings-the corner Stringer building is a very specific example of the need

for such a control.

4. **Services such as lift overruns/aircon units on rooftops must be concealed from public view to the maximum extent possible. The 4m height allowance in the new DDO28 for services up to 10% of the third storey roof surface is quite unacceptable in a Historic township environment**
5. **The requirement that "Views of significant heritage buildings must be protected " (this provision deleted in the new DDO28) should be re-instated.**
6. **Signage provisions must include a requirement such as " a sign must not diminish or distract from key views along the township approach or within the township or adversely impact the heritage characteristics of the township". Some controls re number per business and size should also be considered. There are currently no signage provisions in the old or new DDO28 (consider the impact of McDonalds or Red Rooster etc signage in/around the historic township going forward).**

Given the Historic significance of the Sorrento township, all development applications proposed for the Ocean Beach Rd Commercial Precinct should be automatically called in for a higher level of consideration by the Planning Services

Committee and not dealt with under delegation.
Kind Regards,



Submission No. 60

From: [redacted]
To: Strategic Admin
Cc: [redacted]
Subject: Amendment C286Morn Objection
Date: Monday, 24 October 2022 2:22:22 PM
Attachments: image001.png
image002.png
image003.png
image004.png
image005.png
image007.png
image008.png
image009.png
image010.png

Amendment C286Morn - New Design and Development Overlay Schedule 28 (DDO28) to the Sorrento township (Commercial Precinct) replacing existing DDO28 and DDO10.

To whom it may concern,

I oppose the amendment because I am of the view that insufficient thought has been given to the character and historical significance of the township of Sorrento.

Sorrento has a very significant history and its development, structures, and layout of the township are historically unique.

It is by far the most noteworthy township on the peninsula. It is an area to be honoured and respected and every decision that is made in respect of it should have these principals upmost in the minds of the authorities.

If we fail to take into account these principals, we begin to ruin a rare jewel. Any commercial development must have respect for what we have as the most guiding consideration.

Development can still occur but not without preserving what we have and not allowing development that changes the character, the feeling, and the historic nature of our beautiful township.

I am not wanting to be too specific on the various areas mentioned in the new suggested provisions, expect for the East Sub precinct, but if the principals are kept as the main basis for decisions, then the objective can be achieved. However, all heights should be kept at a minimum, 8m should not go to 9m, 8m setbacks should not go to 4m, 3 stories maximum, minimum height on street frontages.

All permit applications should be considered by council at the highest level not by delegation.

Dealing specifically with the East Sub precinct. This corner site ie. The Rustys corner, is the most outstanding site which will one day be developed. It is the corner of immense significance and importance to Sorrento. It is the gateway, the showroom window, to open up Sorrento to all.

A big commercial development on this site will be a blight on Sorrento forever.

Any development of the site should be low level, not more than one level, except maybe at the back of the site, setback considerably from the site frontage and should be as open as possible to welcome visitors to Sorrento. It should not “cover up” Sorrento, it should “open the door” to Sorrento and in effect say “WELCOME”. It can still be commercial but with these considerations.

My view is that council should acquire this site as it is far too valuable not to for Sorrento.

Once acquired council should put it out to tender for the best design possible for the site. Then our generation would not have squandered the opportunity to create something that we can all be proud of.

In conclusion, I oppose the amendment as I am of the view that by not taking into account the rationale for change, changes will adversely impact the existing built form and the historical nature and character of the commercial precinct and Sorrento generally.

Regards

[redacted]

Submission No. 61

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

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]
	[redacted]
Postal address	[redacted]
Email	[redacted]
Phone number/s	[redacted]
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

Re Mornington Peninsula Shire Council Amendment C286

East Sub Precinct.

The Nepean Ratepayers Association Inc is greatly concerned in relation to the new storey and height limits for the East Sub Precinct.

It is the Association's view that this Precinct must remain at 2 storey with a mandatory height limit of 8 metres with a pitched roof. This built form will complement the opposite corner built of the Kooyna Hotel.

This corner of Point Nepean Road and Esplanade is considered to be the "gateway" to Sorrento. On the western corner is the Koonya Hotel which has an Individual HO and is covered by DDO3 with Mandatory Height limits of 8 metres/2 storeys.

A build on the East Sub Precinct of 3 storeys/12 metres would overshadow the historic Koonya Hotel and

not "balance" the built form on this corner. It would severely diminish the sight lines to both historic buildings of The Continental Hotel and Stringers corner. Both icons of the Sorrento commercial precinct.

In order to help preserve the sightlines it would be appropriate to include a 4 metre setback from the north-western boundary of the property on Point Nepean Road

The proposed amendment is contrary to the Heritage Design Guidelines: Sorrento Historic Precinct in terms of Objectives (Clause 2.1) and Heritage Design Guidelines (Clause 2.2).

A 2 storey / 8 metre build on the Precinct will ensure a similar height to the dwellings to the east of the Precinct including the Federation style building of 3285 Point Nepean Road that is mentioned in the Mornington Peninsula Heritage Review Area 3 Volume 2 Citations.

New development must be complementary to the significance and character of the Precinct and must be compatible with the height, scale and siting of the Precinct.

North West / South West & Central Sub Precincts:

In relation to the remaining precincts the recommendations in the Built Form Review and current DDO 28 (C255) it is the Association's view that the set back on the 3rd storey should remain at 8 metres as opposed to the suggested 4 metres. This will maintain the sightlines suggested in the Built Form Review. It is noted that the Sightlines For Developments Exceeding 8 metres (Diagram 1) in the previous DDO28 has been deleted from the amended version. It is the Association's view that they should be included in the amended DDO28.

Sorrento is designated in the Mornington Peninsula Activity Centre (May 2018) Plan as a small township. The new C286 and its mandatory height limits must be adopted to ensure that Sorrento remains designated as a Small Township but also ensures new development is appropriate to the historic and coastal character of the township.

We urge the MPSC to redress this anomaly and reduce the mandatory height limits to 2 storey / 8 metres in the East Sub Precinct.

I have provided detailed comments on attached sheets		Yes ☐ / No ☐
Signature	[redacted]	**Date 24/10/2022**

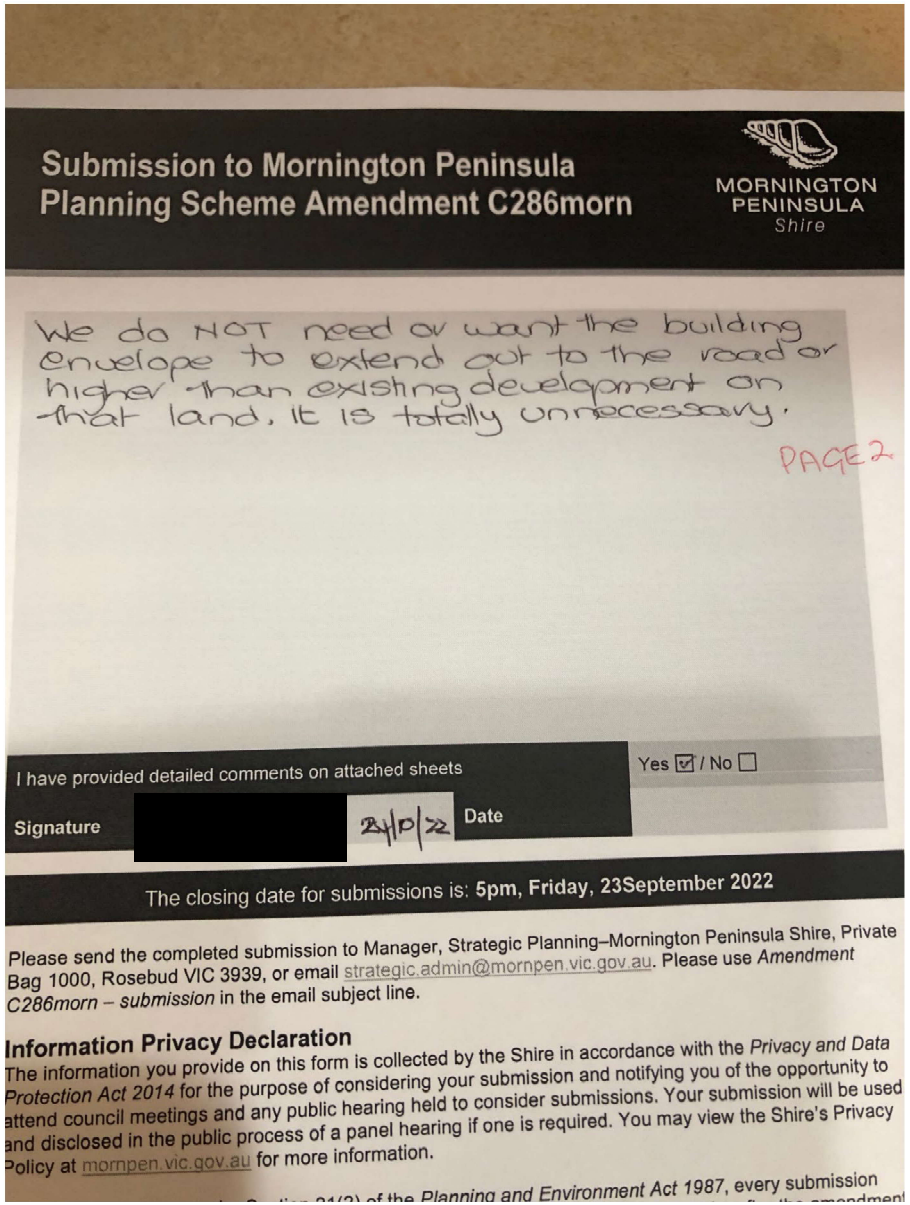
The closing date for submissions is: **5pm, Friday, 23 September 2022**

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

Submission No. 62



Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

We do NOT need or want the building envelope to extend out to the road or higher than existing development on that land. It is totally unnecessary.

PAGE 2

I have provided detailed comments on attached sheets — Yes ☑ / No ☐

Signature [redacted] 24/9/22 Date

The closing date for submissions is: **5pm, Friday, 23September 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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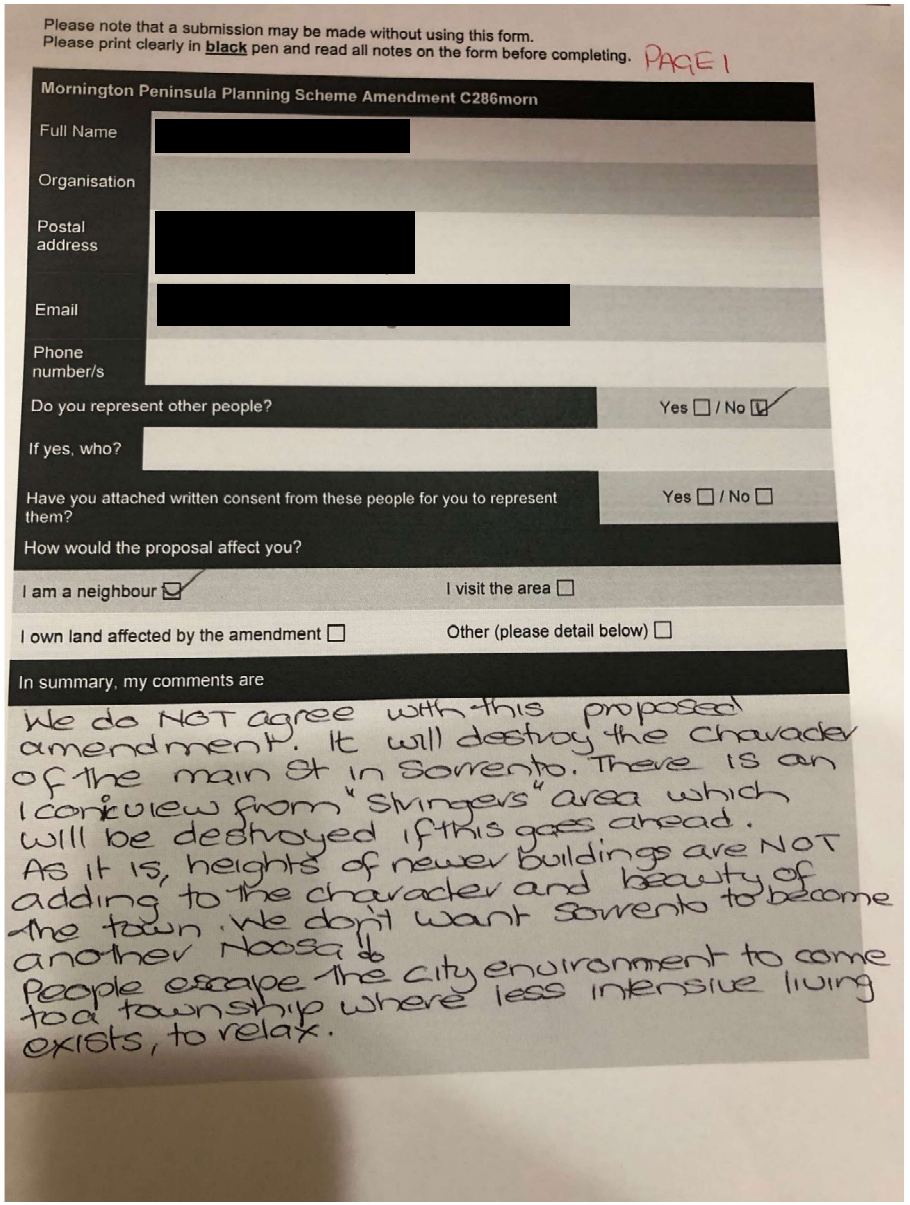
Planning and Environment Act 1987, every submission



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. PAGE 1

Mornington Peninsula Planning Scheme Amendment C286morn

Full Name	[redacted]
Organisation	
Postal address	[redacted]
Email	[redacted]
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

We do NOT agree with this proposed amendment. It will destroy the character of the main st in Sorrento. There is an iconic view from "Stringers" area which will be destroyed if this goes ahead. As it is, heights of newer buildings are NOT adding to the character and beauty of the town. We don't want Sorrento to become another Noosa!
People escape the city environment to come to a township where less intensive living exists, to relax.

From: [redacted]
Sent: Monday, 24 October 2022 10:05:31 PM
To: [redacted]
Subject: [redacted]
Date: [redacted]

Dear Sirs,
Please find enclosed our submission.
Kind regards
[redacted]

Submission No. 63

From: [redacted]
To: Strategic Admin
Subject: Amendment C286 Planning Scheme Submission
Date: Monday, 24 October 2022 3:44:01 PM

Good afternoon,

I would like to give you my submission for the above proposed development in Sorrento as I could not download your submission sheet on your web page.

[redacted]

We object to having a three story development as it would detract from the peninsula's natural beauty and peacefulness. Such a big development would not suit the natural aesthetics of our lovely town.

More trees will be cut down, our native animals will lose their homes, more traffic will no doubt come our way. It's already so busy over the christmas holiday period. Why does it need to be such a huge development. Our serene place is turning into another busy hot spot.

Thank you for allowing us to submit our thoughts.

Cheers,

[redacted]

Submission No. 64

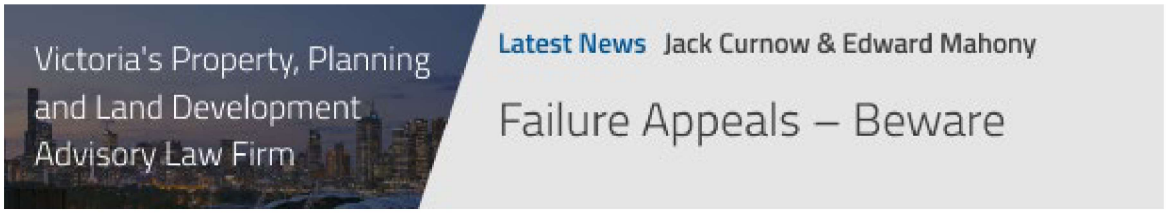
From: [redacted]
To: Strategic Admin
Cc: [redacted]
Subject: Amendment C286morn – Submission (BH 211666)
Date: Monday, 24 October 2022 4:17:06 PM
Attachments: image001.png
Submission form.pdf
Annexure A - Submissions.pdf

Dear Sir/Madam,
We act on behalf of the owner of the land at 19 Constitution Hill Road, Sorrento.
We **attach** our client's submissions in relation to amendment C286morn for your attention.
Should you have any queries, please do not hesitate to contact our office.
Kind regards,

[redacted]

A Level 12, 10 Queen Street
Melbourne,Victoria,3000

BEST HOOPER
LAWYERS
EST. 1886



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Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

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	Represented by Best Hooper Lawyers
Postal address	[redacted]
Email	[redacted]
Phone number/s	[redacted]
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

Refer to Annexure A.

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

I have provided detailed comments on attached sheets			Yes ☒ / No ☐
Signature	[redacted]	**Date**	24 October 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:

Contact:
Direct line:
Email:
Principal:
Our Ref:

[redacted]

BEST HOOPER
LAWYERS

24 October 2022

Dear Sir/Madam,

19 Constitution Hill Road, Sorrento: Amendment C286morn to the Mornington Peninsula Planning Scheme

We act on behalf of the owner of the land at 19 Constitution Hill Road, Sorrento, VIC 3943 (**Subject Site**).

Our client seeks to make submissions in respect of Amendment C286morn to the Mornington Peninsula Planning Scheme (**Amendment**), noting it is generally supportive of the Amendment.

Notwithstanding this, our client seeks to raise the following concerns:

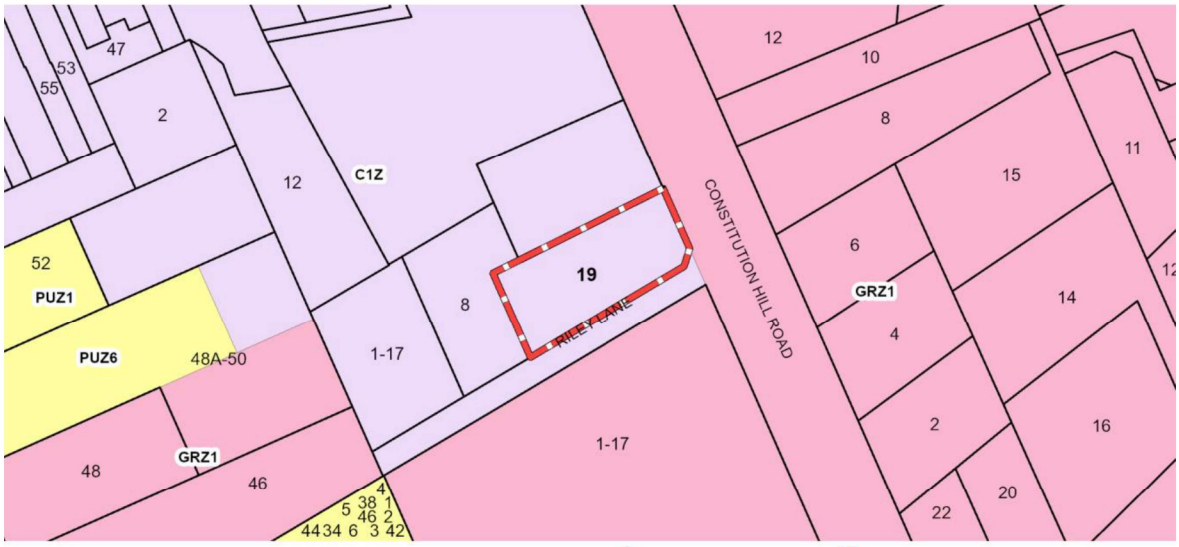
1. The Subject Site should not be subjected to mandatory controls for setbacks to laneways having regard to its surrounding context, in particular its interface with Riley Lane (which is an interface entirely different to other laneways affected by the Amendment);

2. Whilst the Subject Site is included within the Commercial 1 Zone (and this is not proposed to change as part of this Amendment) its physical context is entirely distinct from the commercial core of the precinct and on that basis a different built form response should be adopted, particularly in respect of the preferred building and street wall heights and setbacks.

The basis for this view is set out in detail below.

Subject Site

The Subject Site is in the Commercial 1 Zone, Schedule 1 (**C1Z**):



Best Hooper Pty Ltd

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It is affected by Design and Development Overlay, Schedule 28 (**DDO28**) and under Map 1 of DDO28 it is within the Central Sub Precinct.

DDO28 affects the Ocean Beach Road Commercial Precinct in Sorrento and the overlay has a number of design objectives including *to ensure that development enhances the unique character of Ocean Beach Road and Point Nepean Road, including the scale, shape and rhythm of built form and the variety of building heights, roof forms, setbacks and building designs.* The overlay allows for the Subject Site, to build up to 8 metres (no more than 2 storeys) at road frontage and up to 11 metres (no more than 3 storeys). Further, any third storey must be setback a minimum of 8 metres from the front building line of the second storey below and where the Subject Site is on a corner with a named road or lane, a minimum of 3 meters from the side street building line or the second storey below.

Amendment

The Explanatory Report states that the Amendment seeks to implement the recommended design objectives and mandatory design controls in the *Ocean Beach Road Built Form Review* (MPS, November 2021) and to replace the existing DDO28 with a new DDO28.

The Amendment make the following changes to the DDO28 affecting the Subject Site:

- a maximum street wall height of 9 meters at the street boundary (comprising no more than 2 storeys);
- a maximum building height of 12 metres (comprising no more than 3 storeys);
- Building setbacks (setbacks do not apply to un-named lanes) of:
  - 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.
  - Where applicable, any third storey must be set back a minimum of 4 metres from the rear Morce Avenue street boundary.

Other changes to DDO28 that affect the Subject Site include:

- The inclusion of the following, under the general requirements of building and works:
  - Where applicable, all new development within the North West and Central Sub Precincts should provide for pedestrian connections between Ocean Beach Road and Morce Avenue, to the satisfaction of the responsible authority.
  - A permit may be granted to vary this requirement provided the responsible authority is satisfied that the provision of a pedestrian connection on a specific site is not required.
- Additional mandatory requirements including:
  - All new development must be connected to:
    - A reticulated sewerage system or an alternative approved by the responsible authority.
    - A reticulated drainage system or alternative approved by the responsible authority.
- Revision of mandatory requirements that do not apply to Table 1 (where relevant):

- Architectural features, masts, building services (including lift overrun) or enclosed stairwells that do not exceed the required height limit specified in Column 3 of Table 1 by more than 4 metres. The combined floor area of these features must not exceed 10% of the gross floor areas of the top storey of the building.

- Alterations or additions to a lawfully existing building that exceeds the height limits set out in Column 3 of Table 1, provided the existing maximum building height is not increased and the development is consistent with the Design Objectives and Decision Guidelines of this schedule.

- Any verandah over the footpath within the Ocean Beach Road commercial precinct provided the verandah does not exceed the height limits set out in Column 3 of Table 1.

- An awning or eave which extends off a building into the setback specified in Column 4, provided it does not exceed the height limits set out in Column 3 of Table 1.

- Revision of decision guidelines to include:

  - The degree of activation of the public realm for new commercial development at the ground floor and upper levels.

  - The contribution of the proposal to the existing and historic character of the Commercial Precinct.

  - The design response to residential interfaces, including whether proposed buildings and works would have unreasonable amenity impacts on dwellings on adjoining residentially zoned land.

Changes sought

To assist Council we provide the following below Google Street view images which shows the distinct context of the site:

Subject Site on left, existing residential development and then the Continental Hotel (not current, noting porte corchere entrance now constructed)

Subject Site on right, Riley Lane and then school to the left,

With this context in mind, it is submitted that:

1. Whilst building ground and first floor boundary to boundary is generally supported, as it relates to the Subject Site there ought to be some discretion to this mandatory requirement to ensure a site responsive design outcome, consistent with street setbacks that exist and involving an innovate architectural response can be achieved;

2. With regards to mandatory upper level setbacks to laneways must be 4 metres. It is respectfully submitted that the site's interface with Riley Lane is not akin to those found elsewhere in the commercial precinct and a four metre setback is neither necessary or responsible to the site context.

We respectfully suggest the controls can be amended in the following ways to recognise the distinct site context and controls which ought apply:

1. In "Table 1 – Mandatory buildings and work requirements" in column 2 for the "Central Precinct", insert the words *"except for 19 Constitution Hill Road, Sorrento where the street wall height and setbacks is discretionary"*; and

2. In "Table 1 – Mandatory buildings and work requirements" the heading for "Column 4" amended to read (underlined being new text) *"Building setbacks (setbacks do not apply to un-named lanes or Riley Lane).*

It is submitted that these changes would have no impact on the overarching outcomes sought to be achieved by these controls, save for the Subject Site which should be treated differently than other sites in the commercial core due to its physical separation from same and the site context surrounding the site which is established and has very low prospects of changing.

Conclusion

For the reasons above, we submit that the Subject Site should not have mandatory building and street wall heights and rather, these controls should be discretionary. Additionally, the mandatory setback controls under the Amendment should not apply in the context of Riley Lane and should be considered as if it were an un-named laneway given its size and accessibility.

Yours faithfully,

[redacted]

Submission No. 64A (supplementary)

Contact: [redacted]
Direct line:
Email:
Partner:
Our Ref:

BEST HOOPER
LAWYERS
EST. 1886

26 September 2024

Claire Dougall
Strategic Planning
Mornington Peninsula Shire Council

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

Dear Claire,

Amendment C286morn Submission

We continue to act on behalf of the owner of 19 Constitution Hill Road, Sorrento.

We refer to the re-exhibited materials with respect to the Amendment and confirm our client is generally supportive of the changes contained therein.

Our client reserves its right to amend this submission subject to review of the Council report and any other third party submissions received, relevant to our client's landholding.

Yours faithfully

[redacted]

Submission No. 65

Tuesday, 25 October 2022

By Email

[redacted]

Private Bag 1000, Rosebud VIC 3939

90 Besgrove Street, Rosebud VIC

Dear Sir/Madam

Objection to Amendment C286 to the Mornington Peninsula Shire Council

I, [redacted] have received the above-mentioned notice of the council's intention to prepare Amendment C286 to the Mornington Peninsula Planning Scheme ("C286").

My interest in this issue is as a property owner of [redacted], which is behind one of the proposed development properties, and will be directly affected by these amendments.

I am supportive of Council pursuing permanent built form controls for the Sorrento Town Centre. The development of a permanent Design and Development Overlay ("DDO") for the Township will benefit the broader community and provide certainty of outcomes in respect to its future growth and development.

In this instance, however, I have some major concerns in respect to the drafting of the proposed DDO control and in particular the height restriction changes proposed for the East Sub Precinct.

(*Excerpts from The Morning Peninsula Planning Scheme Amendment C286morn Explanatory Report*)

a. 'Why is the amendment required?

The Amendment is required to apply permanent controls to the Sorrento commercial precinct that reflect the design objectives and mandatory design controls recommended by the Ocean Beach Road Built Form Review. The controls include mandatory requirements that limit the height and scale of future development within the precinct. The controls are necessary to ensure that new development protects and enhances the unique heritage and built form character of the precinct, and that identified built form values are not eroded over time through the cumulative impact of inappropriate development'

I believe that this amendment is in direct contradiction of the above paragraph, as the increase from 8 – 12 metre buildings will not ''enhance the unique heritage and built form character of the precinct', it will in fact be a detraction to the current 'village' atmosphere which is currently the major attraction for the area.

''Over the past five years Sorrento has received more mixed use three storey development applications (height applications compared to four applications for the Mornington activity centre) to that of the Mornington Activity centre making it a centre under significant development pressure, which is concerning given the centre is classified as a local neighbourhood centre'

The main rationale highlighted, was a demand for commercial and 'mixed use three storey' developments which does not take appropriate consideration to the impact on the community and the surrounding infrastructure. The property on the corner of Point Nepean Road and Grange Road has been earmarked as one of the first developments (situated in the east Sub Precinct). This location is the entry to the seaside village of Sorrento. A three-storey development will have a 9 metre high wall, 3.5 metres from the corner which blocks the view for crossing pedestrians and anyone trying to drive out of Grange Road onto Point Nepean. Even when cars are travelling at 40km, there will not be enough time to observe incoming traffic properly. Currently the Sorrento Fairy Terminal is carrying 800,000 people per year, with the anticipation on heavily increasing this number by Council approving the new terminal to enable the increase in capacity.

This intersection is considered the gateway to Sorrento as it is the main road entry to the town. Should the development be approved to build up boundary to boundary, it would severely impact the future possibilities of expanding or widening the road access and will not allow for what is now a very busy entry area to the village of Sorrento. Nowhere is it noted that Vic Roads have been engaged to assess the current or future issues entering the township, or safely accessing the Sorrento Pier, by this amendment. In addition, there is no continuity for the continuation of the bike path

b. *'In giving its support for mandatory controls for the Queenscliff township, the Panel firstly described the township as exuding 'special characteristics' and 'unique 'and which was 'clearly under threat from in appropriate development'.*
'Council officers believe that the above observations can be made about Sorrento town centre. Council has a clear vision that is supported by strategic research and ***is endorsed by many in the community****.'*

This statement is in contradiction of the amendment C286morn. Increasing height restrictions will severely compromise the 'special characteristics' of the township, and the reason many property owners have invested in the area. The East Sub Precinct site is a gateway to the village. With this as the first commercial development site to be seen as visitors and residents enter the township, it should maintain the 'special characteristics' noted above. A 12-metre-high, three storey, building on the corner of Point Nepean Road and Grange Road will impact the Heritage view, which is the entrance passage view from the Beach to the township. This view will be totally blocked. There will be a lack of council

control on the structure itself by the new view becoming balcony airconditioning units, clothing lines and storage on the balconies.

I believe increasing the height restrictions is clearly one of the threats to maintaining the village's uniqueness.

c. 'The amendment gives effect to and is consistent with the following objectives of planning in Victoria identified in section 4(1) of the Planning and Environment Act 1987:

- To provide for the fair, orderly, economic, and sustainable use and development of land. To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;
- To facilitate development in accordance with the objectives set out in the points above.
- To balance the present and future interests of all Victorians.'

The above clause points noted from the Planning and Environment Act 1987:

- the permanent residents of Sorrento, have not been consulted, only notified, of the proposed amendments, making it an 'unfair' development of land.
- Increasing the height restrictions will effectively compromise the aesthetic and culture of the village, the potential site restrictions for the main thoroughfare contradicts the 'pleasant and safe' recreational environment of Sorrento.

It is also noted that the document '*Ocean Beach Road Built Form Review'* developed as an integral review in the development of the amendment states that when the property is considered for development:
. ***"…care should be taken to maintain views of the historic house Quamby, and the tower of the Continental Hotel.'***
By removing the current restrictions as per the amendment, these views will be severely compromised.

I conclude that Council should reassess the amendment, specifically of the East Sub Precinct, and request that no development should be allowed more that 9m height, with a street wall no higher than 8m, and that it be set back, no less than 3.5m from the property boundary to maintain the 'special characteristics' and 'uniqueness' of the environment, and the potential expansion of roadway access.

Special consideration should be considered, not just for the historical buildings in the area, iconic buildings such as Quamby and the Continental hotel tower, but also to the residents that have invested significantly, and are passionate about, the Sorrento Village Street scape.

The impact of the building on more than 50 properties does not have any justification or provide any public benefit by changing the zoning to enable such a monstrous development.

At no time was there any extended community consultation in the early & initial stages of this future development.

I request that Council take into consideration all of the points raised above and keep me informed of any further proposals or changes surrounding the above-mentioned amendment.

Yours Sincerely,

Submission No. 66

From: [redacted]
To: Strategic Admin
Subject: Amendment C286morn. Submission to Mornington Peninsula Planners
Date: Monday, 24 October 2022 11:06:04 PM
Attachments: AMENDMENT C286morn. Submission to Mornington Peninsula Shire Planners.pdf

---

Planning Folk at MornPen,

I request the attached submission be accepted on the grounds that being a long standing resident of Sorrento has somehow worked against me receiving knowledge of this Planning Scheme amendment until late today, 24 Oct 22. On its receipt I have generated the attached submission which i request be accepted by Council, given the fact I have been deprived until this late hour of both knowledge of the proposed amendment and the opportunity to make a submission.

Please advise by return e mail of your acceptance of the attached submission

Kind regards

[redacted]

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

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.

Note to Council Planners
I am grossly offended not to have been provided the opportunity until today to comment on this proposal.

[redacted]
24/10/22

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 ☐ / No ☒
If yes, who?	
Have you attached written consent from these people for you to represent them?	N/A ~~Yes ☐ / No ☐~~

How would the proposal affect you?

I am a neighbour ☐ — I visit the area ☒ regularly.

I own land affected by the amendment ☐ — Other (please detail below) ☒ – See below.

In summary, my comments are

→ Am third generation of the [redacted] family, residing on land opposite Sullivan Bay, Sorrento, originally purchased in 1880's, and am very focused on preventing the entrance to Sorrento at the East Sub Precinct area from being destroyed by the allowing the building of high walled buildings, in excess of 8m.

Accordingly my comments are as follows.

The corner of Point Nepean Rd and the Esplanade forms the gateway to the Sorrento township, with the stately Koonya Hotel opposite the corner in question and conforms to Mandatory height limits of 8m./2 story

A potential build of 3 story/12m on the East Sub Precinct if allowed would visually destroy the sight lines of the historic Continental Hotel and Stringers Store corner – both icons of the Sorrento commercial precinct.

See next page for continuation

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

MORNINGTON PENINSULA Shire

Continued.

Furthermore a 3 story/12m build would overshadow the historic Koonya Hotel building and be visually out of balance with the hotel building

Any building that may be contemplated on the South East Precinct must

(a) be no higher than 8m.
(b) be of 2 story above ground maxm.
(c) be set back 4m at least from north west boundary of Point Nepean Rd
(d) have a built form character similar to the Koonya Hotel opposite.
(e) ensure sight lines are maintained to the Continental Hotel and Stringer Store — all as per Sorrento Heritage Policy

I have provided detailed comments on attached sheets — Yes ☒ / No ☐ (These sheets)

Signature [redacted] Date 24/10/22

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

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: 24/10/22.

Submission No. 67

From: [redacted]
To: [redacted]
Cc: Strategic Admin
Subject: OBJECTION TO AMENDEMENT C286
Date: Tuesday, 25 October 2022 1:15:14 PM
Attachments: Image251022122749.pdf

Dear Sir/Madam

Please see my objection attached.

Regards,
[redacted]

[redacted]

Tuesday, 25 October 2022

By Email

[redacted]

Private Bag 1000, Rosebud VIC 3939

90 Besgrove Street, Rosebud VIC

Dear Sir/Madam

Objection to Amendment C286 to the Mornington Peninsula Shire Council

We, [redacted] have received the above-mentioned notice of the council's intention to prepare Amendment C286 to the Mornington Peninsula Planning Scheme ("C286").

I am supportive of Council pursuing permanent built form controls for the Sorrento Town Centre. The development of a permanent Design and Development Overlay ("DDO") for the Township will benefit the broader community and provide certainty of outcomes in respect to its future growth and development.

In this instance, however, I have some major concerns in respect to the drafting of the proposed DDO control and in particular the height restriction changes proposed for the East Sub Precinct.

(*Excerpts from The Morning Peninsula Planning Scheme Amendment C286morn Explanatory Report*)

a. 'Why is the amendment required?

The Amendment is required to apply permanent controls to the Sorrento commercial precinct that reflect the design objectives and mandatory design controls recommended by the Ocean Beach Road Built Form Review. The controls include mandatory requirements that limit the height and scale of future development within the precinct. The controls are necessary to ensure that new development protects and enhances the unique heritage and built form character of the precinct, and that identified built form values are not eroded over time through the cumulative impact of inappropriate development'

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"Over the past five years Sorrento has received more mixed use three storey development applications (height applications compared to four applications for the Mornington activity centre) to that of the Mornington Activity centre making it a centre under significant development pressure, which is concerning given the centre is classified as a local neighbourhood centre'

The main rationale highlighted, was a demand for commercial and 'mixed use three storey' developments which does not take appropriate consideration to the impact on the community and the surrounding infrastructure. The property on the corner of Point Nepean Road and Grange Road has been earmarked as one of the first developments (situated in the east Sub Precinct). This location is the entry to the seaside village of Sorrento. A three-storey development will have a 9 metre high wall, 3.5 metres from the corner which blocks the view for crossing pedestrians and anyone trying to drive out of Grange Road onto Point Nepean. Even when cars are travelling at 40km, there will not be enough time to observe incoming traffic properly. Currently the Sorrento Fairy Terminal is carrying 800,000 people per year, with the anticipation on heavily increasing this number by Council approving the new terminal to enable the increase in capacity.

This intersection is considered the gateway to Sorrento as it is the main road entry to the town. Should the development be approved to build up boundary to boundary, it would severely impact the future possibilities of expanding or widening the road access and will not allow for what is now a very busy entry area to the village of Sorrento. Nowhere is it noted that Vic Roads have been engaged to assess the current or future issues entering the township, or safely accessing the Sorrento Pier, by this amendment. In addition, there is no continuity for the continuation of the bike path

b. *'In giving its support for mandatory controls for the Queenscliff township, the Panel firstly described the township as exuding 'special characteristics' and 'unique 'and which was 'clearly under threat from in appropriate development'.*
'Council officers believe that the above observations can be made about Sorrento town centre. Council has a clear vision that is supported by strategic research and ***is endorsed by many in the community.'***

This statement is in contradiction of the amendment C286morn. Increasing height restrictions will severely compromise the 'special characteristics' of the township, and the reason many property owners have invested in the area. The East Sub Precinct site is a gateway to the village. With this as the first commercial development site to be seen as visitors and residents enter the township, it should maintain the 'special characteristics' noted above. A 12-metre-high, three storey, building on the corner of Point Nepean Road and Grange Road will impact the Heritage view, which is the entrance passage view from the Beach to the township. This view will be totally blocked. There will be a lack of council control on the structure itself by the new view becoming balcony airconditioning units, clothing lines and storage on the balconies.

I believe increasing the height restrictions is clearly one of the threats to maintaining the village's uniqueness.

c. 'The amendment gives effect to and is consistent with the following objectives of planning in Victoria identified in section 4(1) of the Planning and Environment Act 1987:

- To provide for the fair, orderly, economic, and sustainable use and development of land. To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community;
- To facilitate development in accordance with the objectives set out in the points above.
- To balance the present and future interests of all Victorians.'

The above clause points noted from the Planning and Environment Act 1987:

- the permanent residents of Sorrento, have not been consulted, only notified, of the proposed amendments, making it an 'unfair' development of land.
- Increasing the height restrictions will effectively compromise the aesthetic and culture of the village, the potential site restrictions for the main thoroughfare contradicts the 'pleasant and safe' recreational environment of Sorrento.

It is also noted that the document *'Ocean Beach Road Built Form Review'* developed as an integral review in the development of the amendment states that when the property is considered for development:

. *"...**care should be taken to maintain views of the historic house Quamby, and the tower of the Continental Hotel.**'*

By removing the current restrictions as per the amendment, these views will be severely compromised.

I conclude that Council should reassess the amendment, specifically of the East Sub Precinct, and request that no development should be allowed more that 9m height, with a street wall no higher than 8m, and that it be set back, no less than 3.5m from the property boundary to maintain the 'special characteristics' and 'uniqueness' of the environment, and the potential expansion of roadway access.

Special consideration should be considered, not just for the historical buildings in the area, iconic buildings such as Quamby and the Continental hotel tower, but also to the residents that have invested significantly, and are passionate about, the Sorrento Village Street scape.

The impact of the building on more than 50 properties does not have any justification or provide any public benefit by changing the zoning to enable such a monstrous development.

At no time was there any extended community consultation in the early & initial stages of this future development.

I request that Council take into consideration all of the points raised above and keep me informed of any further proposals or changes surrounding the above-mentioned amendment.

Kind Regards,

Submission No. 68

Department of Transport

GPO Box 2392
Melbourne, VIC 3001 Australia
Telephone: +61 3 9651 9999
www.transport.vic.gov.au
DX 201292

Ref: Department of Transport Reference: PAS338/22

[redacted]
Team Leader- Strategic Planning
Mornington Peninsula Shire
Private Bag 1000
ROSEBUD VIC 3939

Dear Claire,

DEPARTMENT OF TRANSPORT RESPONSE TO AMENDMENT C286MORN

Thank you for notification of proposed Planning Scheme Amendment C286morn to the Mornington Peninsula Planning Scheme, received by the Head, Transport for Victoria on 21 September 2022.

The Department of Transport understands the proposed amendment seeks to:

- *replace existing interim Design and Development Overlay – Schedule 28: Ocean Beach Road Sorrento (DDO28) (see Figure 1) with a new DDO28 (see Figure 2),*
- *replace existing Design and Development Overlay – Schedule 10: Ocean Beach Road, Sorrento (DDO10) which currently applies to seven properties on the north-western side of Ocean Beach Road (see Figure 3) with the new DDO28, and*
- *remove DDO28 from two properties south of Ocean Beach Road zoned Public Use Zone – Schedule 1 & 6 (shown on the zoning map above) as the Ocean Beach Road Sorrento Built Form Review (November 2021) does not identify the need for mandatory building design controls for this land.'*

The Department of Transport only manages Point Nepean Road. Ocean Beach Road is a Council managed road.

The Head, Transport for Victoria has considered the proposal and wishes to advise that in regard to the east sub precinct area and central sub precinct any future planning applications for properties affected by the proposed amendment with an interface to Point Nepean Road would be referred to the Department of Transport. At that time comments will be given to Council and the respective applicant in regard to access and safety as per Clause 52.29 and Clause 18 and any other relevant clause of the Mornington Peninsula Planning Scheme.

The Head, Transport for Victoria has no objection to the proposed Planning Scheme Amendment, and no changes to suggest.

Should you have any enquiries regarding this matter, please contact [redacted]

Yours sincerely,

[redacted]

19 October 2022

Submission No. 69

From: [redacted]
To: Strategic Admin
Subject: Proposed amendment C286morn
Date: Saturday, 29 October 2022 1:00:13 PM

Dear Sir,
I strongly **oppose** the proposed amendment C286morn. The changes proposed to DDO28 will adversely and severely impact the existing built form and historic character of the Ocean Beach Road Commercial precinct going forward.

East Sub Precinct - Entry Corner into the Historical main village

1. **Maximum wall height should not exceed 8metres (current proposed 9 metres)** - This corner is the gateway and entry point into the Historical Sorrento Village and every effort should be made to keep this unique coastal township and its Heritage. With future redevelopment plans of the Ferry, and increase in passengers and traffic on this corner, a boundary to boundary development would have a horrendous impact! I addition, at no point does it appear that Vic Roads was consulted!
2. **Maximum stories two (current proposed 3 stories)** - the proposal for a 3 storey building, 12 metres in height and built boundary to boundary greatly impacts this corner in a number of ways.
3. Any proposed buildings to be setback consistent with the Koonya Hotel setbacks from Pt Nepean Rd
4. Given the significance of this area as the entrance to the township any proposed new buildings here must be consistent in built form and character to adjacent heritage buildings.
5. Signage controls and view lines for this precinct to be as above for the North West, South West and Central sub precincts.

North West, South West and Central Sub Precincts

1. **Maximum street wall heights should not exceed 8metres** (vs proposed 9 metres)
2. **Maximum building heights should not exceed 11 metres** (vs proposed 12 metres)
3. **Buildings should not exceed 3 stories**, and where there is a third storey proposed, then it must be set back 8 metres from the second storey below (current setback proposed is 4 metres). This includes both set backs on both frontages of corner buildings-the corner Stringer building is a very specific example of the need for such a control.
4. **Services such as lift overruns/aircon units on rooftops must be concealed from public view to the maximum extent possible. The 4m height allowance in the new DDO28 for services up to 10% of the third storey roof surface is quite unacceptable in a Historic township environment**
5. **The requirement that "Views of significant heritage buildings must be protected " (this provision deleted in the new DDO28) should be re-instated**.
6. **Signage provisions must include a requirement such as " a sign must not diminish or distract from key views along the township approach or within the township or adversely impact the heritage characteristics of the township". Some controls re number per business and size should also be considered. There are currently no signage provisions in the old or new DDO28 (consider the impact of McDonalds or Red Rooster etc signage in/around the historic township going forward).**

Given the Historic significance of the Sorrento township, all development applications proposed for the Ocean Beach Rd Commercial Precinct should be automatically called in for a higher level of consideration by the Planning Services Committee and not dealt with under delegation.
Kind Regards,

Sent from my iPhone

Submission No. 70

[redacted]

[redacted]

13 October 2022

Team Leader, Strategic Planning
Re: Amendment C286morn - submission
Mornington Peninsula Shire
Private Bag 1000
Rosebud VIC 3939

Dear Sirs

Re: Amendment C286 morn - submission

In response to the MPSC's request for Submissions to the above amendment I make the following points:

East Sub Precinct

This corner of Point Nepean Road and Esplanade is considered to be the "gateway" to Sorrento. On the western corner is the Koonya Hotel which has an Individual HO and is covered by DDO3 with Mandatory Height limits of 8 metres/2 storeys.

A build on the *East Sub Precinct* of 3 storeys/12 metres would overshadow the historic Koonya Hotel and not "balance" the built form on this corner. It would severely diminish the sight lines to both historic buildings of The Continental Hotel and Stringers corner. Both icons of the Sorrento commercial precinct.

Furthermore, a 3 storey/12 metre build is in conflict with the current Heritage Design Guidelines: Sorrento Historic Precinct.

The built form of this Precinct should be:

1. 8 metre wall height limit.
2. Encourage a pitched roof.
3. 2 storey maximum height limit.
4. 4 metre setback from the north western boundary on Point Nepean Road.
5. Built form character should be similar to existing built form at the Koonya Hotel corner.

MORNINGTON PENINSULA Shire
RECEIVED
17 NOV 2022

[redacted]

6. Ensure sightlines are maintained to the Continental Hotel and Stringers Stores as per Heritage Design Guidelines Sorrento Historic Precinct.

In relation to the remaining Commercial Zone of Ocean Beach Road, I would prefer that the setback be 8 metres at the third level with maximum wall height 8 metres.

Yours sincerely

[redacted]

Submission No. 71

cfa.vic.gov.au

Our patron, Her Excellency the Honourable Linda Dessau AC, Governor of Victoria

CFA Fire Prevention and Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: [redacted]
Telephone:
Council Ref:

22 December 2022

[redacted]
Mornington Peninsula Shire Council
PRIVATE BAG1000
ROSEBUD VIC 3939

Dear Claire,

SUBMISSION TO PLANNING SCHEME AMENDMENT

Proposal: C286morn
Location: Ocean Beach Road Sorrento

Thank you for providing CFA notice of Planning Scheme Amendment C286 in accordance with Section 19 of the *Planning and Environment Act, 1987*.

CFA has reviewed the proposed planning scheme amendment and given the amendment is largely related to built form controls related to setbacks and building heights, it does not appear to have significant implications relating to bushfire and/or service delivery for CFA.

As a consequence of the amendment, higher density development is foreshadowed including buildings up to 12m in height. Facilitating fire fighting activities associated with these buildings may require upgrades to the adjacent road network and increases in widths and working areas for fire fighters and aerial appliances in the event of a structure fire.

Whilst CFA is not seeking any changes to the amendment to address the above, CFA requests Council note the potential impacts to structural fire fighting that could be considered in their wider works programs and future municipal strategic plans.

If you wish to discuss this matter in more detail, please do not hesitate to contact [redacted]

Yours faithfully,

[redacted]

Submission No. 71A (supplementary)

cfa.vic.gov.au

Patron: Her Excellency Professor the Honourable Margaret Gardner AC, Governor of Victoria

CFA Fire Risk, Research and Community Preparedness
8 Lakeside Drive Burwood East Vic 3151
Email: firesafetyreferrals@cfa.vic.gov.au

CFA Ref: [redacted]

20 November 2024

Claire Dougall
Mornington Peninsula Shire Council
PRIVATE BAG1000
ROSEBUD VIC 3939

Dear Claire,

Proposal: C286morn
Location: Ocean Beach Road, Sorrento

Thank you for providing CFA notice of C286morn in accordance with Section 19 of the *Planning and Environment Act 1987.*

CFA has reviewed the proposed planning scheme amendment and understands the amendment seeks to implement the *Ocean Beach Road Sorrento Built Form Review* (May 2024).

CFA offer no comments in relation to the exhibited amendment.

If you wish to discuss this matter in more detail, please do not hesitate to contact the me on [redacted]

Yours sincerely,

[redacted]

Submission No. 72

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

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?	No ☐
If yes, who?	
Have you attached written consent from these people for you to represent them?	No ☐

How would the proposal affect you?

I visit the area ☐

I own land indirectly affected by the amendment ☐

In summary, my comments are

Although there are always pros and cons for any town-planning proposal, in this case (Panning Scheme Amendment C286morn), the proposal would have a significant, and to my mind **undesirable**, impact on the look and feel of Sorrento.

The reason that C286morn is undesirable is that an important characteristic of the current township of Sorrento is its "village" feel. This "look and feel" helps attract many visitors to Sorrento. It means that, in addition to enjoying the village atmosphere of Sorrento, those of us who live here, including the many shopkeepers, benefit from all these visitors.

The proposed amendment—which, as I understand it, would allow taller buildings, often with higher walls closer to property boundaries--threatens the current two-

story village atmosphere. This would make Sorrento less attractive, both to residents and to visitors. (Aside: My feeling is that developers can work within the current guidelines--as Coles did when it built the supermarket currently managed by Ritchies. Doing so, would enable Sorrento to retain the current two-story village atmosphere.)

My request to Council is therefore that Council should reject the current Planning Scheme Amendment (C286morn) and do everything in its power to preserve the village look, feel, and atmosphere of the current Sorrento township.

I have provided detailed comments on attached sheets	No ☐

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

Signature	[redacted]	Date	16 Oct 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:

Submission No. 73

NATIONAL TRUST
Mornington Peninsula Branch
11 Beverley Road
McCrae 3938
[redacted]

17 October 2022

SUBMISSION TO PLANNING SCHEME AMENDMENT C286morn
Ocean Beach Road Commercial Precinct Built Form

Sub Precincts: North-West, South-West and Central

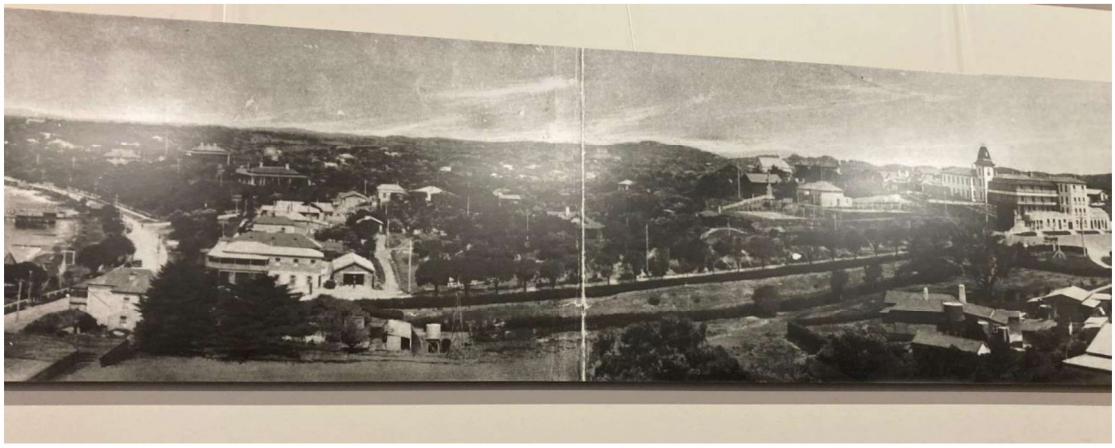
The Mornington Peninsula Branch (The Branch) is in general agreement with the proposed mandatory height limits as described in Table 1 but considers a 4m setback for third storeys is not enough to ensure the openness of the streetscape as it currently appears and would suggest at least a minimum 6m setback be taken into consideration to ensure the low scale, historical, and open coastal character of Ocean Beach Road is retained.

Sub Precinct: East

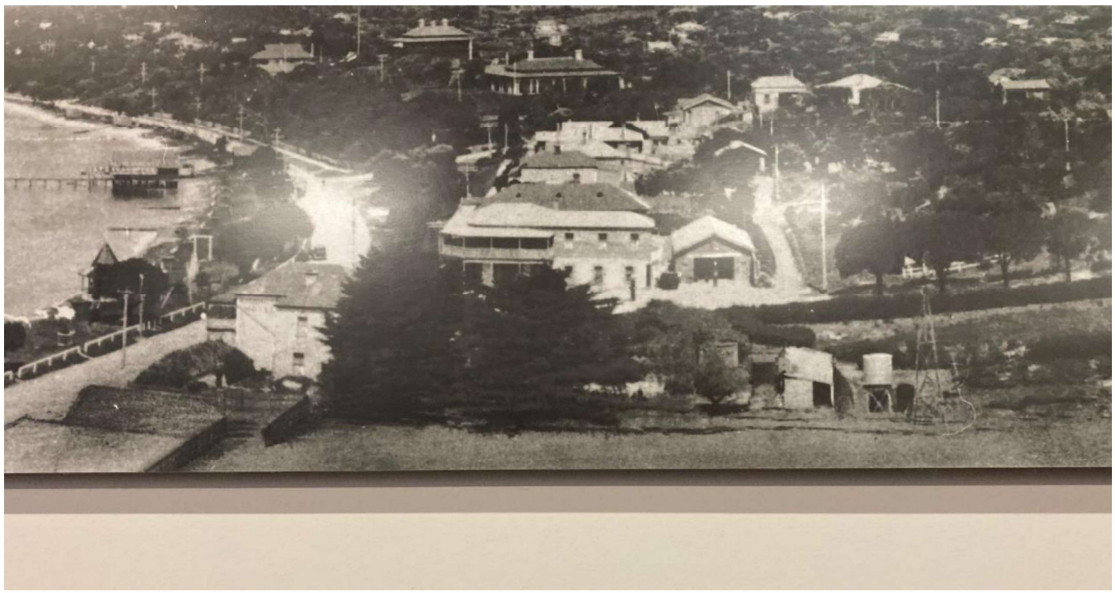
The Branch is concerned at the proposed three storey option for this location. It appears that a two storey precedent has already been set on the opposite aspect of this intersection with the (former) Koonya Hotel and gradating residential area extending to the upper corner of Pt Nepean Road and Ocean Beach Rd. Supporting this, the attached historical images of that corner from an aerial view, showing the Koonya Hotel in the foreground and the Havelock Tea rooms opposite, on what is now the site under consideration - both of two storey construction.

The current property at 3293-5 occupies a critical visual introduction to the historical character of Sorrento, not only by its ascending view toward the commercial precinct with the Continental Hotel and Stringer's Stores at its beginning but also from the Port Phillip approach. The built form on the site at present, whilst could not be described as having any architectural integrity, does by its footprint on the land allow for the desired vista described above to occur through the current set-back from Pt Nepean Rd, allowing views of the historic Koonya Hotel and sweeping vista to the upper commercial precinct. The Branch does not agree with the proposed three storey development for this location as it predicts domination rather than ambience in the unique historical and seaside setting, but would support two storey maximum built form. The Branch also considers colour coding of an ambient nature is important in the location and that low reflectivity glass be a major consideration on this site and to any future development in all precincts.

[redacted]



Panorama view Sorrento.



Koonya Hotel foreground, Havelock Tea Rooms opposite

Images: Courtesy Nepean Historical Society

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

Submitted on	15 August 2024, 8:09PM
Receipt number	1
Related form version	4

Name	[redacted]
Organisation	
Postal address	[redacted]
Email	[redacted]
Phone number/s	[redacted]
Do you represent other people ?	
If yes, who?	
Have you attached written consent from these people for you to represent them?	
Written consent	
How would the proposal affect you ?	I own land affected by the amendment
In summary, my comments are:	I attended the information session at the Sorrento Community Centre, and i am supportive of the general thrust of the amendment. It seems to be in the best interests of this stunning part of Australia.
I have provided detailed comments on the attached sheets	
Upload your detailed comments	
Signature	

Link to signature

Date	15/08/2024

HERITAGE VICTORIA

Submission No. 75

GPO Box 2392
Melbourne, Victoria 3001 Australia

04/09/2024

Claire Dougall
Team Leader, Strategic Planning
Mornington Peninsula Shire Council
PO Box 1000
ROSEBUD VIC 3939
strategic.admin@mornpen.vic.gov.au.

Dear Claire,

RE: P39964 CONTINENTAL HOTEL, 1-21 OCEAN BEACH ROAD SORRENTO, MORNINGTON PENINSULA SHIRE (H1896)

I write regarding your correspondence of 19 July 2024 regarding consultation on a revised version of Amendment C286morn to the Mornington Peninsula Planning Scheme and provide the following advice.

As you would know, Heritage Victoria is the statutory authority for places included in the Victorian Heritage Register (VHR) and the Victorian Heritage Inventory (VHI). The following comments relate to VHR and VHI places within the subject area, as well as a more general overview.

Places in the Victorian Heritage Register

The following places that are within the boundaries of C286morn are included in the VHR:

- Continental Hotel (H1896), 1-21 Ocean Beach Road, Sorrento
- Athenaeum (H2227), 28-36 Ocean Beach Road, Sorrento

It is Heritage Victoria's preference that height controls on VHR places are limited to the height of the heritage buildings (generally parapet rather than roof height) or structures at the place. This provides a level of clarity around what may be an acceptable level of development at a VHR place. It is not clear whether the 12m DDO applies to the VHR places or not as currently presented in the DDO.

New development, particularly at heights above significant heritage buildings, needs to be carefully considered for places included in the VHR. It would be preferable to avoid a conflict between heritage protection and planning approvals. As such, it is Heritage Victoria's position that the inclusion of the place in the VHR plays a much greater role in determining any potential development on the site. It is therefore requested that any DDO control above the height of the existing heritage building is not placed on a property included in the VHR.

Consideration should also be given to the following:

- Limiting height controls adjacent to VHR places to ensure that new buildings of increased height do not overpower or detract from VHR places. This would also ensure that proposals for development on adjacent sites does not allow for cantilevering over the heritage place and provides breathing space for the heritage place.
- View lines to heritage places and the impact of new building located behind or adjacent to heritage buildings should also be considered. View lines and silhouettes are important in understanding the significance of the individual places and should be retained.

Places in the Victorian Heritage Inventory

GPO Box 2392
Melbourne, Victoria 3001 Australia

The Victorian Heritage Inventory is a list of about 7,200 known historical archaeological sites. Some VHI sites are also included in the VHR. Note that the *Heritage Act 2017* still protect sites that aren't on the inventory, and that many archaeological sites have not yet been discovered or recorded. While the number of places included in the VHI is limited, this does not reflect the potential for archaeological evidence to survive. No detailed study of the Ocean Beach Road area has been undertaken to identify potential historical archaeological sites. Under the *Heritage Act 2017*, it is mandatory to report any historical archaeological site identified within 30 days of its discovery. It is also necessary for a consent to be obtained to authorise the disturbance of historical archaeological remains.

In relation to the proposal around height controls, taller buildings generally require footings at increased depth and potentially basement car parks. These works may affect archaeological remains and trigger Heritage Act requirements. In historic areas such as Sorrento, and for projects that are likely to involve below-ground disturbance, it is recommended that an archaeology assessment is undertaken early in the planning process to identify whether the archaeology provisions of the Act are likely to apply. Please contact Heritage Victoria's Historical Archaeology Team ([redacted]) if you have any questions relation to this recommendation.

I thank you for providing an opportunity for Heritage Victoria to provide comments on the revised version of Amendment C286morn to the Mornington Peninsula Planning Scheme. Please contact the Permits team [redacted]) if you have further queries.

Yours sincerely

[redacted]

Submission No. 76

[redacted]

From: [redacted]
Sent: Thursday, 5 September 2024 9:51 AM
To: Strategic Admin
Subject: Planning Scheme Amendment C286morn - Submission of Concerns and Request for Modifications
Attachments: Submission to MornPen re C286 and DDO28.pdf; C286 letter of support body corp.pdf

To Team Leader , Strategic Planning

The Body Corporate Committee for the residential complex known as Monte Vista seeks to raise specific issues in relation to the impact of the Built Form Review on the interface of the DDO28 boundary of the Ocean Beach Road Commercial Precinct rear building line between George Street and Point Nepean Road, abutting and along the residential building line of the significant and sensitive abutting residential zone known as Monte Vista.
The C286 proposals along this interface do not protect and enhance the valued character, heritage, and amenity of this specific residential area or control the current squalid rear boundary appearance of the commercial precinct.
Also the more intensive building development along the service road at the rear of the commercial precinct in this location has demonstrated only the ability to add to the growing squalid appearance , rubbish dumping and expanding lack of compliance with the general requirements for building services. An increasing need for access for larger commercial service and delivery vehicles has already damaged the residential street frontage in George street and the boundary fence structure at both Point Nepean Road and George Street residential frontages . Times of congestion in George Street near the public toilets create difficulty of access into the service road resulting in further residential streetscape damage. Reference to the need for Fire Trucks to enter the abutting service road is also requested in the review.

Our attached submission endeavours to encourage further investigation of the issues raised and modification of specific current proposals.
Thank you for the opportunity to provide our concerns regarding the potential for increasingly serious and detrimental impact on the amenity of the abutting residential area.

Regards

[redacted]

Submission to Mornington Peninsula Shire requesting amendments to

Amendment C286morn- Ocean Beach Road , Sorrento.

The amendments sought are to clarify the abutting local built residential interface and landscape at Monte Vista,3375 Point Nepean Road at the rear boundary of commercial properties between George Street and Point Nepean Road, Sorrento.

Submission by the **Prepared 4/9/2024**

Owners Corporation Monte Vista [redacted]

3375 Point Nepean Road, Sorrento [redacted]

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1.2 Reasons for Body Corporate Submission	4
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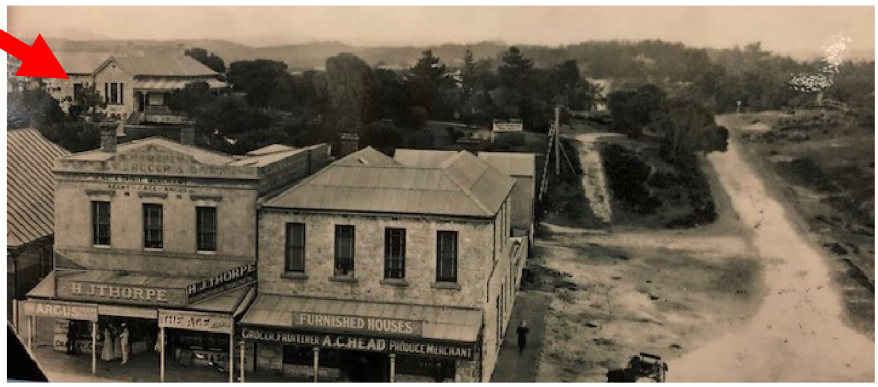
1. Introduction

1.1 Objector Location

Residential property at Monte Vista , 3375 Point Nepean Road , Sorrento, has been in place since the creation of the town.



In 1988 a residential Strata Development of 18 residential villas took place including the retention of the original 1800's mansion. Over the thirty years since then a significant residential garden landscape has been developed.

The Body Corporate for the Monte Vista residential properties is concerned that the Built Form Review Report (The Report) prepared by the Mornington Peninsula Shire to accompany the Amendment C286 fails a stated primary objective to provide enhanced protection for the local built and natural environment in respect to the signicant and sensitive residential interface with 3375 Point Nepean Road known as Monte Vista.

The Monte Vista residential area abuts the boundary line of the design and development overlay shown on scheme maps as DDO28 which overlay covers the rear boundary of the Ocean Beach Road commercial area between George Street and Point Nepean Road , Sorrento. The overlay also covers an unnamed public road between the two boundaries

1.2 Reasons for Body Corporate Submission.

Schedule 28 to clause 43.02 design and Development Overlay ,shown on the planning scheme map as DDO28 has definition issues of concern within the provisions for;

Cl.1 Design Objectives

Cl. 2.0 Buildings and works

-Definitions

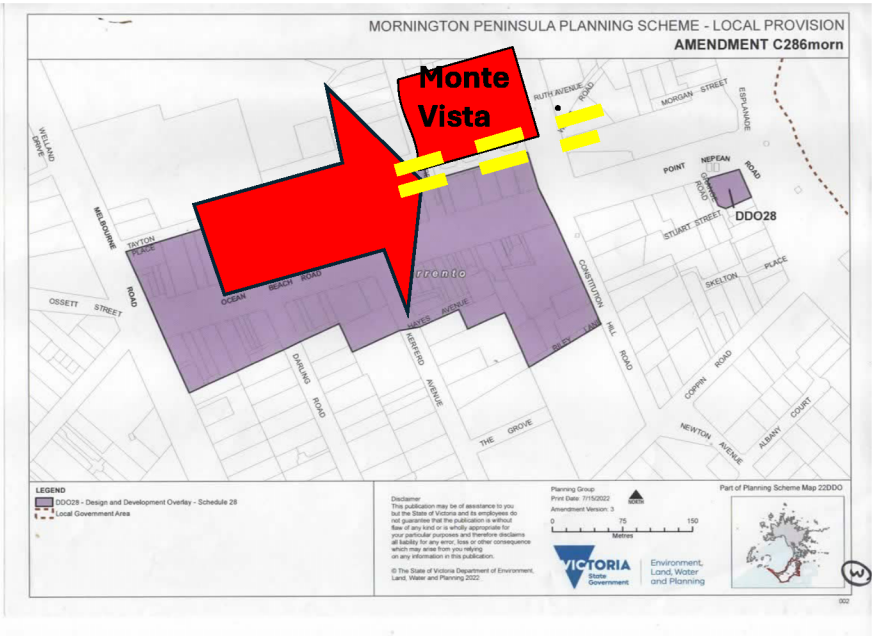
-Mandatory Requirements

- General Requirements including public health and fire safety

Serious concerns relate to apparent omissions and shortcomings in presentation of the built form modelling options in The Report which primarily show only the streetscape of Ocean Beach Road and Morce Avenue. The impact of the streetscape along the unnamed road between the rear boundaries of the commercial area and the substantsial residential frontage along the area between George Street and Point Nepean Road is ignored.

Other concerns have been previously raised in the Body Corporate objections lodged for Planning Application P22/2932, the property at 2/26 Ocean Beach Road.Proposals accepted in the application by this applicant appear not to be implemented or enforced by the Shire and highlight the problem of industrial waste building services and public health and safety arising from more intensive retail development in the commercial zone in this specific location.

2. **VIEW LINES IMPACTING ON RESIDENTIAL STREETSCAPE INTERFACE ALONG ROADWAY AT REAR BUILDING LINE COMMERCIAL AREA**



Images taken at eye level are below.

Images along the Service Road, parallel with Ocean Beach Road, from intersection at George Street looking East towards Point Nepean Road

Intersection with George Street

Limitations of building service access due to waste bins and shop rubbish.

The proposal to permit additional heights above a two storey streetscape along the unmade service road will impact adjacent residential view lines.

Images along the Service Road from intersection at Point Nepean Road, looking Westward towards George Street, Sorrento

Intersection at Point Nepean Road

Rear of Stringers looking west

Unsurfaced road looking west

Stringers kitchen adjacent rear building line

Looking west general retail and café rubbish storage along road.

View looking west to intersection with George Street

3.0 Further Investigation of the following Issues requested.

The southern residential boundary of the Monte Vista site is the interface with the abutting boundary line of the proposed new DDO28. View lines of this abutting boundary and interface are shown in the images presented in section 2 of this submission.

The Shire has presented detailed built form modelling for the Sorrento activity area along Ocean Beach Road shop fronts and Morce Avenue but no examination has been made of the impact of proposed controls along the service road building line at the rear of the properties between George Street and Point Nepean Road.

The following concerns relate to - SCHEDULE 28 to CLAUSE 43.02 Design and Development Overlay. -Shown on the planning scheme map as DDO28

3.1 Design Objectives

Although the DDO28 boundary abuts the residential boundary of Monte Vista and overlays the service road between the commercial and residential area the design objectives only express concern for the frontage to Ocean Beach Road.The rear "frontage" to the service road within the overlay is not specified.

Further investigation and concerns are requested to be taken for a well proportioned and consistent building interface to the adjacent residential properties.Consideration to view lines and enhancement of the residential environs and amenity are also necessary.

Request is for paragraph amendment or insertions in **1.0 Design Objectives;**

" To support a well proportioned and and consistent building interface to the Service Road at the northern building line of the Ocean Beach commercial precinct between George Street and Point Nepean Road and to protect views and amenity of the adjacent residential environs with recessive setback to new two storey development"

3.2 Buildings and Works

The Schedule 28 to the overlay contains Definitions, Mandatory Requirements and General Requirements all which include provisions and omissions of concern in respect to the adjacent Monte Vista residential property.

3.2.1 Definitions Amendment

Request is for suitable amendment to control heights and property access along the Service Road abutting Monte Vista building line.

" Any other street to side street or named laneway but excludes Ocean Beach Road, Point Nepean Road, Morce Avenue and the Service Road abutting the residential property between George Street and Point Nepean Road."

3.2.2 Mandatory Requirements Modification

Request is for suitable additional specific control to protect the character, heritage and amenity of the residential interface with the Monte Vista property building line.

" For all buildings abutting the Southern Building line of the Service Road at the rear of the commercial precinct between George street and Point Nepean Road :

. The overall building height at the rear building line must not exceed two stories"

. Any 2nd level must be set back a minimum of 4 metres from the service road building line."

3.2.3 General Requirements Modification

The general requirements include the following provision

" Building services including waste, loading, parking and service cabinets should be located away from streets and public places."

A modification of this requirement is suggested to be more specific in relation to future development to require on site storage areas as follows;

"Building services including waste, ancillary service equipment and service cabinets should be located on site in suitable storage areas ,loading and parking should be located away from streets and public places."

An example of an application is **P22/2932, 2/26 Ocean Beach Road.** Applicant proposal in key features stated the following;

- ***Provision for a shared dedicated bin store at the rear of the building for the proposed shop, provided with direct door access to the laneway for collection.***
- ***Waste collection is proposed to be undertaken by a private contractor with a nominated 8.8 metre long mini-rear loader .***

The storage area utilised is a slab in the Service Road and difficulty of access by the waste contactor requires the bin to be sited on George street for collection of waste.

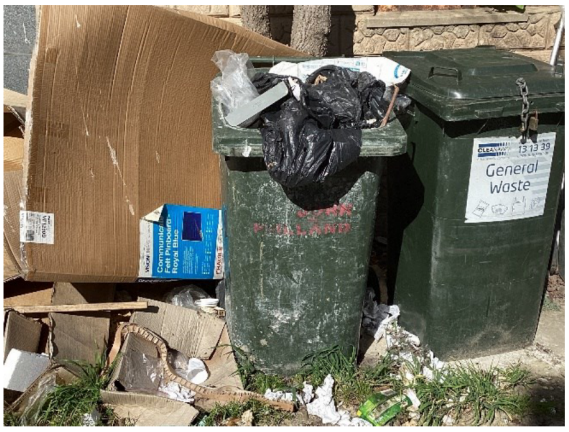
At present 33 number waste bins are located along the Service Road and restrict access for larger commercial and industrial heavy vehicles. More intense development will also add to waste and rubbish storage taking place unless the provision in the overlay DDO28 is actually strengthened or included in the Mandatory Provisions for future developments along the Service Road.

Examples of open street storage opposite the residential building line along the service road are pictured below with attendant health, safety and fire risks.

Waste bins

General Rubbish

Ancillary equipment storage



Access by large industrial waste collection and delivery vehicles is difficult due to the need to reverse into the service road. Entry by large vehicles requires a reversing turning circle from the street which is inhibited at George Street by parking bays adjacent the public toilets and the residential nature strip and driveway entrances to Monte Vista. Street parking can inhibit entry at Point Nepean Road.

The turning circle of reversing Industrial vehicles has destroyed part of the nature strip and residential driveway shoulder at George Street. At both the entrances to the service road the Gateposts at Monte Vista have required substantial repairs to impact damage and installation of structural steel angle protection.

At present this circumstance of increasing waste and access for disposal service contractors appears likely to become a more significant problem.

Point Nepean Road entry to service road. George Street entry and street damage.

Access is by reversing vehicles

3.3.4 General Requirements Fire Vehicle Access

The growing limitation to access due to the potential significant increase in waste and rubbish storage raises a fire risk adjacent to the commercial buildings. The Fire Hydrant Block Plan below for the developments of The Atheneum theatre complex shows the need for access along the service road for Fire Fighting appliances. However access along the service road might prove difficult for this plan if George Street was inaccesable and access had to be from Point Nepean Road.

A special provision of a fire access compliance in DDO28 might be a further modification to the building service general requirements regarding building services as follows;

"Building services requiring access to the service road at the rear of the commercial properties facing Ocean Beach Road between George Street and Point Nepean Road must ensure that the services should be located and conducted in such manner to enable access by fire fighting appliances".

4.0 Concluding Remarks

The Monte Vista Body Corporate welcomes the opportunity to comment on the preparation of planning requirement for the Ocean Beach Road Commercial Precinct.

The planning information explaining the basis of the Amendment C286 has been of assistance to the Body Corporate to view the considerable impact likely on the character and amenity of our adjacent and abutting residential property.

Over the past 35 years the Monte Vista development has been well maintained in line with heritage concerns which evolved in the 1980's and under the Flinders Shire Council. In more recent times the Ocean Beach Road Commercial Precinct has been developed into a very intensive retail precinct with an emphasis on tourism. The more intensive activity and significantly increased traffic congestion impacts on the amenity and the relationship with an abutting and long standing residential area such as Monte Vista.

Our submission seeks to explain this position and the opportunity to achieve a clearly defined set of requirements in the Amendment C286morn which include reference to the more sensitive residential interface with Monte Vista than the interface with the Morce Avenue carpark .

5.0 Body Corporate Letter of Direction

MONTE VISTA OWNERS CORPORATION (Plan No: SP29504G OC1)

Team Leader, Strategic Planning
Mornington Peninsula Shire

4 September 2024
Monte Vista
Sorrento

Re: Amendment C286morn

Amendment C286morn proposes to apply permanent building design controls to the Ocean Beach Road Commercial Precinct, Sorrento. These changes will likely have a serious detrimental impact on the 18 owners of residences in the Monte Vista complex which is adjacent to the Service Road at the rear of the shops on Ocean Beach Road between George Street and Point Nepean Road.

In particular, the amendment proposes a 3 storey height along the laneway adjacent Monte Vista and allows for more intense development. This is of considerable concern to the owners.

Already we have problems of traffic damaging gateposts and the George street nature strip and driveway and the existing development and unauthorised permanent storage of shop garbage in the lane also results in health issues (rats) and loose rubbish along the lane. Increased storage of industrial waste and garbage will create access difficulty along rear boundary of shops and Monte Vista fence line , also potential for increased health and safety ,and fire risks. The view line from some properties will also be impacted by three storey heights.

The committee noted serious concerns with the Shire Report which impact Monte Vista properties including-

- Design Objectives
- Building and Works Mandatory Requirements and General Requirements
- Omission of built form modelling for the important view line interface between the residential zone and the rear boundary of the commercial zone, especially looking east from George street.
- Omission of any consideration of the more sensitive occupied residential interface, neighbourhood character and landscape of the residential zone immediately adjacent to the rear boundary of the commercial area.

The Committee of the Monte Vista Owners' Corporation resolved at its meeting on 30 August 2024 that Committee Member [redacted] be authorized to lodge a submission on behalf of the owners of Monte Vista to convey our concerns to the Shire and request amendments. We ask that these representations be given serious attention.

[redacted]

MONTE VISTA OWNERS CORPORATION (Plan No: SP29504G OC1)

Team Leader, Strategic Planning
Mornington Peninsula Shire

4 September 2024
Monte Vista
Sorrento

Re: Amendment C286morn

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- Design Objectives
- Building and Works Mandatory Requirements and General Requirements
- Omission of built form modelling for the important view line interface between the residential zone and the rear boundary of the commercial zone, especially looking east from George street.
- Omission of any consideration of the more sensitive occupied residential interface, neighbourhood character and landscape of the residential zone immediately adjacent to the rear boundary of the commercial area.

The Committee of the Monte Vista Owners' Corporation resolved at its meeting on 30 August 2024 that Committee Member [redacted] be authorized to lodge a submission on behalf of the owners of Monte Vista to convey our concerns to the Shire and request amendments. We ask that these representations be given serious attention.

[redacted]

Submission No. 77

Our Ref: [redacted]
Your Ref:
Contact Person
Email: [redacted]

CITADEL LAW
Your Trusted Advisor

Level 30 Collins Place
35, Collins Street
Melbourne VIC 3000
Australia

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main@citadellaw.com.au

Strategic Planning,
Mornington Peninsula Shire,
Private Bag 1000,
Rosebud VIC 3939

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

24th October 2024

Dear Sir/Madam,

We write on behalf of our client, [redacted] the registered proprietor of 14/3375 Point Nepean Road, Sorrento ("our client"). We have received instructions from our client to make this submission regarding Amendment C286morn.

1) Summary of Instructions

Our client has instructed us to object to the proposed amendment based on concerns regarding its potential adverse impact on Sorrento's heritage character and residential amenity.

2) Analysis of Proposed Changes

We have reviewed the amendment which proposes the following modification to the Design and Development Overlay (DDO):

Current Controls:

- Maximum height at road frontage: 8 meters across all sub-precincts
- Maximum overall height: 8-11 meters (sub-precinct dependent)
- Third storey setback: 8 meters from front building line
- Corner sites: 3 meters setback from side street

Proposed Controls:

- Street wall height: maximum 9 meters (two storeys)
- Overall building height: maximum 12 meters
- Three building levels visible from opposite site
- Reduced upper-level setbacks (4 meters)

3) Grounds of Objection

On our client's instruction, we submit that the amendment proposes modifications to the DDO introducing a more permissive approach to building heights and setbacks. We

Liability limited by a scheme approved under Professional Standards Legislation

submit that these changes will adversely impact Sorrento's distinctive heritage character in the following ways:

- **Visual Impact:**
    - Increased building scale and prominence will diminish the visual primacy of heritage buildings.
    - Potential obstruction of significant viewlines, including those to the Continental Hotel.
    - Disruption of the established streetscape rhythm and scale.
- **Streetscape Character:**
    - Erosion of the intimate, village atmosphere that defines Sorrento.
    - Creation of a more imposing street environment that conflicts with the existing pedestrian-friendly scale.
    - Introduction of contemporary building forms that may clash with historic architectural patterns.

4) Support for Monte Vista Owners Corporation Submission

Our client has instructed us to express his support for the submission by [redacted] on behalf of the Monte Vista Owners Corporation specifically regarding:

- Residential Interface:
    - Need for clearer definition of residential interface requirements.
    - Protection of established viewlines and residential amenity.
    - Impact on the unnamed road abutting Monte Vista properties.

5) Requested Changes

On our client's instructions, we submit that the Council should:

- Retain the existing height and setback controls to preserve heritage character.
- Implement stronger provisions protecting significant viewlines and heritage buildings.
- Include additional safeguards for residential interfaces.
- Assess the cumulative impact of increased development scale on Sorrento's character.
- Give greater consideration to residential amenity in the Built Form Review.

Conclusion

Based on our client's instruction and the above grounds, we submit that Amendment C286morn should not proceed in its current form as the proposed amendments risk undermining the very qualities that make Sorrento unique and valued.

We urge the Council to prioritize heritage preservation and residential amenity in its planning controls.

Should Council require any clarification of our client's position, please contact the undersigned.

Yours sincerely
CITADEL LAW

Submission to Mornington Peninsula Planning Scheme Amendment C286morn

MORNINGTON PENINSULA Shire

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	**Represented by Citadel Law**
Postal address	**c/ Citadel Law, Level 30, 35 Collins Street, Melbourne VIC 3000**
Email	[redacted]
Phone number/s	[redacted]
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 amendment 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	

We attach our client's submissions in relation to amendment c286morn under Annexture A

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

MORNINGTON PENINSULA Shire

I have provided detailed comments on attached sheets			Yes ☒ / No ☐
Signature	[redacted] **Per Citadel Law**	**Date**	**24 October 2024**

The closing date for submissions is: **5pm, Friday, 6 September 2024**

Please send the completed submission to 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

Protecting your privacy is very important to us. We use and collect the information in your according to the requirements of the *Privacy & Data Protection Act 2014* and *Planning and Environment Act 1987.* This means that we will use your information to:

- consider your submission
- notify you of the opportunity to attend Council meetings and any public hearing held to consider submissions
- disclose your submission during the public panel hearing process (if one is required).

A copy of your submission, and any others received by Council, will also be made available at Council's offices and on our Planning Scheme Amendments webpage for any person to inspect free of charge for two months after Amendment C286morn either comes into operation or lapses.

In each of the above instances, we will always remove your personal information (including your name, address and contact details) from public viewing.

For more information about how we protect your privacy, please refer to the Shire's Privacy Policy.

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

Mornington Peninsula Shire,
Private Bag 1000,
Rosebud VIC 3939

24th October 2024

To Whom It May Concern:

I, [redacted] of [redacted], hereby consent to and authorise Citadel Law to make a submission on behalf of [redacted] to the Mornington Peninsula Shire regarding Planning Scheme Amendment C286morn.

I understand that Citadel Law will act in the best interests of [redacted] and will ensure that the submission accurately reflects our views and concerns.

I authorise Citadel Law to take all necessary steps to represent [redacted] in this matter, including but not limited to:

- Preparing and submitting the submission to the Mornington Peninsula Shire
- Communicating with the Shire on behalf of [redacted]
- Providing any additional information or documentation as required

Sincerely,

[redacted]

Doc ID: 8b1a7465cf68147c704b6eedb4623be448e84df1