

# **WRITTEN STATEMENTS**

**13 April 2021**

**Planning and Amenity Delegated  
Committee Meeting**

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  7. Mr Tony and Mrs Marg Batt (O)
  8. Mr John Dulfer (O)
  9. Mr Craig Cartwright (O)
  10. Ms Melissa Lovejoy (O)
  11. Mrs Shirley Walker (O)

12. Mr Tony Shepherd (obo Hampton Neighbourhood Association) (O)
13. Mrs Cherry Thompson (O)
14. Mr Nicholas Pavlou (O)
15. Mr Paul Pavlou (O)
16. Mr Keith Thompson (O)
17. Mr John & Mrs Margaret Balmer (O)
18. Mrs Irma Crombie (O)
19. Mr Gordon Addison (O)
20. Mr Angus Addison (O)
21. Mrs Michelle Addison (O)
22. Mr Josh Pavlou (O)
23. Miss Maddison Cloke (O)
24. Mr Geoffrey Fagan (O)
25. Mrs Lindy Fagan (O)
26. Mr Scott Matheson (A)

Definitions

*A= Applicant*

*S= Supporter*

*O= Objector*

**Item 4.1**  
**52 Black Street, Brighton**

### **1. Mr Reg Gleeson (O)**

I would like to take this opportunity to object to the addition of a 4th floor terrace at 52 Black Street the property in this application. I, as a resident at 57 Black Street feel that in our Street the level of development is a huge concern and to allow a fourth level terrace at the subject property will set a bad precedent and will open the door and encourage future developments in the street and the area to do the same. The overlooking from these multi story developments is unacceptable.

### **2. Mrs Kate Gleeson (O)**

I would like to take this opportunity to object to the addition of a 4th floor terrace at 52 Black Street the property in this application. I, as a resident at 57 Black Street feel that in our Street the level of development is a huge concern and to allow a fourth level terrace at the subject property will set a bad precedent and will open the door and encourage future developments in the street and the area to do the same. The overlooking from these multi story developments is unacceptable.

### **3. Joe Grech (A)**

Human Habitats would like to thank Council for the opportunity to make a submission to the proposed amendment application, which we believe will improve the onsite amenity of the existing approval, whilst balancing impacts to the adjoining and neighbouring properties.

The proposed amendment seeks to introduce a roof terrace to the approved and under construction apartment building at 52 Black Street, Brighton. The amendment application that is now before Council is the product of a series of discussions between the applicant and the objectors, which resulted in a Section 57A amendment being lodged to address many of the objector's concerns. While the amendment in its original form was supported by Bayside City Council's planning officers, our client worked with objectors to address the concerns raised. We believe that the withdrawal of objections from the parties at 50 & 54 Black Street and 45A Black Street following these discussions highlights the success of these discussions and demonstrates that the proposal will achieve an acceptable outcome.

We believe that this amendment application is appropriate and will not result in any unreasonable amenity impacts to nearby or adjoining properties. We also consider that the additional rooftop garden space, which includes greenery, will contribute positively to the amenity of the area in addition to the onsite amenity of future residents. As such, we request that Councillors support the planning officers' recommendation for approval of this amendment application. Thank you.

**Item 4.2**  
**50 Middle Crescent, Brighton**

## 1. Dr Ross Breadmore (O)

50 MIDDLE CRESCENT, BRIGHTON NOTICE OF DECISION TO GRANT A PERMIT  
APPLICATION: 2020/616/1 WARD: DENDY

Objection to Bayley House Permit Application Application Information Property Details 50  
Middle Crescent BRIGHTON VIC 3186

616/2020

Date Lodged 07/12/2020

Applicant Squareback Pty Ltd

To whom it may concern,

I object to the application 616/2020.

I have been a resident since 2006 at 47 Middle Crescent.

The reasons for my objections are:

### 1. Common Driveway & Traffic Congestion:

Since 2006 there has been a significant increase in traffic congestion due to staff and visitors at Bayley house.

This traffic congestion is creating a danger to school children, cyclists, pedestrians and residents trying to exit their driveways. The danger is exacerbated by the curvature of the street creating long blind spots. The two hour parking limitation is circumvented by certain staff who rotate their cars knowing the limited Council enforcement capacity. Recently there is a tendency for taxis to wait 1 to 2 hours prior to collection thus occupying car spaces. There is also a tendency for Bayley House not to utilise their own onsite car parking but rather park their 3-4 buses in the street, leaving the dedicated "bus only" zone vacant for drop offs rather than the drive through.

50 Middle Crescent shares a **common driveway** with the adjacent property contributing further congestion, noise and inconvenience for them. Will staff be parking at 0700 via the common driveway? **Can the permit exclude staff parking via common driveway prior to 0900?**

The congested on street parking has direct implications for the neighbours of Bayley House including causing tradesmen to park illegally on the nature strip or not attend jobs, inconvenience to visitors, and inconvenience to residents. There is a premium for street parking due to close proximity of Brighton and Firbank Grammar Schools. **The Squareback report addresses theoretical “requirements” but clearly have not witnessed the reality and ignores the detrimental impact on the neighbours.**

## 2. Changing Neighbourhood Character:

I purchased a property in Middle Cres Neighbours aware of the activities of Bayley house however I was reassured by the Residential Zoning and overlays. I did not realise that the institution could expand by stealth by applying for “permits” which are effectively undermining the intent of the Zoning restrictions at the detriment of its neighbours, hence altering the character of the street from Residential to Educational. There are other alternatives available rather than expanding Bayley House’s footprint.

## 3. Lack of Neighbourly Consultation:

It is disappointing that there was no neighbourly discussion as would be expected by a good corporate citizen; notification was by the obligatory erection of the board in the front yard.

## 4. Alternatives

Why does the centre not use alternative areas or space at the rear of the property rather than expanding laterally and **removing another property that could accommodate a family?**

## 5. Future development:

I have concern that the change in purpose permit will weaken the argument for a heritage overlay allowing redevelopment.

## 6. Length of Lease:

Potential 6 years without review of impact to neighbours is unfair. What right of appeal do we have once granted?

There is no doubt that Bayley House has an important role but the manner of conduct has a significant impact on its residential neighbours especially due to traffic congestion.

Although it is administratively convenient to separate the issues of Bayley House from the permit application, the expansion Bayley House’s footprint and impact is the effective reality if the permit is granted and thus those problems can not be ignored Council a has a fiduciary responsibility to all its rate payers, not just the corporate ones.

Sincerely,

Ross Breadmore



Blocking 47 Middle Cres Driveway



Parking buses in 2hr zone leaving the "bus only" zone empty for convince of drop off. Perhaps remove "bus only" zone to increase available spots for other residents?





## 2. Ms Louise Kerr (O)

11/4/2021

Objection to Bayley House Permit Application Information

Property Details

50 Middle Crescent BRIGHTON VIC 3186

Type of Work

change or add land use change or add land use

Application No.

616/2020

Date Lodged

07/12/2020

Applicant

Squareback Pty Ltd

I am submitting my own Council Submission regarding the change of use of this residential property and the decision to develop and expand the already very large educational facility of Bayley House without any consultation with residents residing in the immediate surrounding homes prior to the apparent confirmation and commencement of new educational activity at the home/house of number 50 and signed contracts for 3 years plus option for 6years..

My partner Ross Breadmore has submitted a thoughtful factual submission however I am submitting an emotional one, as there has been such disregard for our home lives, homes and neighbourhood.

I had an email, exchange with Saskia McEldowney following the 'consultation meeting' with local objecting residents on the 21/3/21 in which she acknowledged that use of number 50 by Bayley House should not have been commenced prior to permit approval. We were also informed at that meeting that a 3 year approval had informally already been given to Bayley House by council after the Bayley House executive had already made a deal with the owner of number 50 to rent the property for their use prior to council application or approval. Bayley House had commenced using the property in late January. We the residents were finally consulted after we had already incidentally and innocently commenced phonecalls to Council enquiring about excess activity, noise and cars, buses at number 50. During that phone call in late January/February I certainly was not informed that Bayley House had already been given permission to commence usage of that home or even applied. **Council finally placed a placard in the front yard of the period home property number 50 middle Cres Brighton about 'potential rezone/use' in March after usage had already commenced of the Property 50 Middle Cres by Bayley House and leases already**

**signed for 12 months and permission by council given for 3 years and option to increase to 6 years usage.**

I am happy to submit the email exchange if requested.

At the 'consultation/information meeting' on the 21/3 it was quite apparent that this was an irreversible decision that had been made without due process and with little interest in any of the local residents' opinions. I had indicated the many concerns we had in an email preceding the meeting but could already see it would be to no avail as all was already decided and in train.

**I would now like to also submit my belief that the council reviewer Saskia McEldowney and co are no longer in a position to provide an 'independent review/recommendation to council' of the rezoning/reuse plan of number 50 given they have a significant conflict of interest as they have already progressed the case to completion. I believe they have potentially opened the council up to risks if Council were now to rescind their decision leaving no real option/consideration possible and therefore a lack of fairness.**

The Council assessors do not appear to have followed due process of consultation, nor have Bayley House. Both have proceeded without due process and without consultation with long term residents of the area . Only after concerns were raised by us, the neighbours, was a board placed in the property regarding change of zone discussion and since then all five neighbours have objected.

The Council assessors have already allowed significant progression in allowing contracts signed, clients and activity of Bayley house moved to number 50 and thus placed Council in a position whereby they will potentially be legally at risk were they to rescind their decision I would think, but also I would think they are open to issues if they proceed with the decision.

The owner of number 50 lives overseas and therefore probably has little interest in the lives of neighbours but would be keen to obtain rental security. Council could be responsible potentially for allowing Bayley House to proceed with a rental contract which must be honoured for the 12 months as it is already signed for and or Bayley House will be caught having commenced a plan before approval...a poor and inconsiderate Bayley House management decision I would suggest.

I am so angry and disappointed in this process and the complete lack of any true consultation. There is a complete failure to take into account the whole area of Middle Crescent here, which already has many educational facilities/schools and an increasing imbalance of such as compared with residential properties. A change of zone/use is a significant issue.

The balance of educational to residential activities is dramatically tipping in Middle Crescent towards dominant educational with 2 schools and Bayley House. Changing this house to an

educational facility alters the enjoyment of living with neighbours. It actually matters not to have neighbours when this is where you live for years. Bayley House already takes 2 house frontages number 52 and 54 and these are large double fronted houses/properties. This 3rd acquisition ( number 50) is also a large double frontage property and a lovely heritage home directly opposite ours. This change will mean that all weekend and at night, these three home areas are ghostly, empty. During the week they are buses backing, people and noise etc. We happily accepted Bayley house as it was and feel it is important work but over the years it has escalated in activity and now there will be a third property that is apparently non-essential to them as they are reducing numbers due to new hubs but is making the total 'educational centre of Bayley House' larger.

It is sadly also a Real Estate Fact that homes directly opposite /next to schools and other educational facilities reduce in price. It will reduce the price of our home for resale. Although the home at number 48 recently sold it was not advertised that number 50 was no longer a residential home as council had removed it from their site.

I truly cannot believe this process has occurred and am deeply concerned on many levels.

I request Council review the decision, that Bayley House review their request ( of note they never contacted any of us and have obtained this permit through a backdoor process) and I request that the process is ceased. Number 50 should be allowed to remain a residential home, to be a neighbours home to continue as before as part of the residential community.

Sincerely

Louise Kerr

### **3. Mr Jason Barnfather (A)**

Dear Councillors,

On Tuesday night, our application on behalf of Bayley House for a small education centre will be presented to the Council for a decision, following the recommendation of support from the Planning Department.

This site is located immediately adjoining the existing premises (Bayley House) at 52 Middle Crescent which has been in operation since 1951. Bayley House provides support services for adults with an intellectual disability through the delivery of Day Programs, Accommodation and Respite.

The focus of the proposed education centre at 50 Middle Crescent will be on independent living and life skill activities such as cooking, moving out of home skills, numeracy and literacy and social skill building.

The education centre will be run by two staff members and it is expected that there will be around eight clients between the hours of 9am and 3pm Monday – Friday.

The staff and clients who will use this education centre already work at and attend Bayley House next door and there are no plans to employ more staff or increase client numbers as a result of the use of this building at 50 Middle Crescent.

The use of this building at 50 Middle Crescent simply provides more space for staff and clients and a unique and short term opportunity to offer independent living and life skill activities within a dwelling, rather than in Bayley House.

The short term use of 50 Middle Crescent also provides two additional car parking spaces for the staff at Bayley House and this will ease on street parking pressures in the immediate area.

In relation to the broader merits of the proposal and having considered the relevant Planning Scheme provisions, we submit that the proposal is appropriate for the following reasons:

- The proposed community use of the site as an education centre for adults with an intellectual disability is consistent with policy at Clause 11 (Settlement) which seeks to recognise the need for community facilities that positively contribute towards health, wellbeing and safety. This is also consistent with the purpose of the Neighbourhood Residential Zone which allows some non-residential uses to serve local community needs.
- The proposed use is compatible with the surrounding land uses which is consistent with the objectives of Clause 13.07-1S (Land use compatibility) and Clause 22.07 (Discretionary Uses in Residential Areas). This is due to the fact that it adjoins Bayley House which is an existing discretionary use and the purpose of the use on the subject site is to offer clients independent living and life skill activities such as cooking, moving out of home skills, numeracy and literacy and social skill building and there is no better place to offer this than in an existing dwelling.
- The proposed use is discrete and will not detract from the residential character of the area or heritage qualities of the existing dwelling as there are no building and works proposed. This is consistent with the objectives of Clause 22.07 (Discretionary Uses in Residential Areas).
- The proposed use will operate limited hours between 9am and 3pm Monday – Friday and this is well within the parameters for other discretionary uses (such as childcare and medical centre uses) outlined within Clause 22.07 (Discretionary Uses in Residential Areas) which typically allow 7am - 8am opening and 7pm – 9pm closing.

- Car parking is available for two cars towards the rear of the site in an existing carport and is considered to be adequate for the proposed use. This is consistent with the objectives of Clause 22.07 (Discretionary Uses in Residential Areas) and the requirements of Clause 52.06 which requires two onsite car parking spaces.
- The proposed use is considered to be consistent with the orderly planning of the area and will not unreasonably impact on the amenity of the area or adjoining properties consistent with the requirements of Clause 65 (Decision Guidelines).

In relation to the application process, five objections were received at the advertising stage and we agreed to be part of a consultation meeting which was attended by all objectors and Councillor Hanna El Mouallem. The issues were discussed and following the meeting, we informed the planning department that we would agree to the following conditions in response to the issues.

1. The operator of the use to be limited to Bayley House.
2. No buses are to access 50 Middle Crescent.
3. Clients are not to access the building via the common driveway that is shared with 48 Middle Crescent.

We advise Councillors that we also agreed to limit the timeframe of the permit, as Bayley House only seek to use the premises for the next three years, with a suggested expiry date of 1 June 2024. This timeframes aligns with the current lease of the property and would be sufficient for Bayley House, as they are currently looking for more permanent premises around the Bayside area which can offer these services and other services for their clients.

It is noted that this timeframe for the permit expiry has not been included in the recommendation by the planning department, however we advise Councillors that we are happy for it to be included to assist with appeasing the concerns identified by objectors.

I trust this submission will assist with your considerations on Tuesday night and should you have any questions prior to the meeting, please call me on 9965 1930 or 0438 880 282.

Regards,



Jason Barnfather  
Director  
**Squareback**

#### **4. Mr Warwick Cavanagh (on behalf of Bayley House) (A)**

To: Mayor and Councillors  
Bayside Council

From: Warwick Cavanagh  
CEO, Bayley House

Re: 50 Middle Crescent, Brighton  
Permit Application No. 2020/616/1

Bayley House is a long established support service for people with intellectual disabilities. We are a deeply entrenched part of the Bayside community having been based at our current 52 Middle Crescent site for 70 years. The original buildings were gifted to Bayley House by some of the founding families who understood the need for support services for their sons and daughters and that these needed to be provided within their own community.

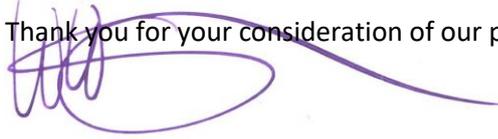
Since that time Bayley House has expanded these activities at Middle Crescent through a range of property redevelopments and enhancements, including through a long term lease from Bayside Council of the property at the rear and adjoining Wilson Reserve. We have expanded our residential services across Bayside as well as new day service activities at our Nepean Hub. We are presently negotiating a lease for a further Arts Hub in the Bayside area. We appreciate that our Middle Crescent services, in addition to being close to extensive school, aged care, commercial and recreational facilities are located in a residential landscape and we strive to work constructively and harmoniously with neighbouring properties.

In early 2020 we were approached by the landlord of 50 Middle Crescent as to whether we had any interest in renting the property. At the beginning of the COVID pandemic the opportunity for us to have even a small amount of additional space from which to continue to deliver vital community based services for our clients in a COVID safe environment was very attractive. Our aspirations for use of 50 Middle Crescent are very low key; passive use by a very small number of clients. We have no long term plans or expectations for use of the property. Indeed the Bayley House five year Strategic Plan approved by Board and available on our website, for the first time formally endorses an expansion strategy through a number of community based hubs with a commensurate reduction in activities based at Middle Crescent.

Disability support services form a vital part of communities across Australia. Bayley House seeks to provide appropriate activities, mostly through the NDIS model, for adults with intellectual disability

and to do so professionally within a community environment. We believe that our use of 50 Middle Crescent Brighton will be appropriate and with very limited impact on neighbouring properties. We have, through consultation, offered a number of concessions by way of good faith to ensure that this is the case.

Thank you for your consideration of our planning application.

A handwritten signature in purple ink, consisting of several loops and a long horizontal stroke extending to the right.

WARWICK CAVANAGH

CHIEF EXECUTIVE OFFICER

**Item 4.4**  
**3a Bent Parade, Black Rock**

## 1. Mr David Greco & Bernie Moss (O)

Dear Councillors,

### Re Planning Application 3A Bent Parade, Black Rock

We reside at 3 Bent Parade (western boundary) and would like to say from the outset that we are in principle supportive of our neighbours proposed development. However, the non-compliant side setbacks are of significant concern given the narrow width of their property.

3A Bent Parade is 1 of 6 narrow lot properties (inclusive of our own lot) located on the southern side of Bent Parade. Each narrow lot measures between 8 – 11 metres in width and whilst development has occurred on a number of these lots, including our own, side setbacks have always been maintained, either by owners giving consideration to their neighbours' concerns, council rejecting any encroachment or VCAT enforcing adherence to side setback given the nature of these narrow lots – either way, it has been acknowledged on a number of occasions that these side setbacks are significantly important where lots are narrow, to ensure the private enjoyment for all lot owners in this location.

The side setbacks are important to not create a sense of claustrophobia or unnecessary density. If the sites were larger, then perhaps such an imposition would not be as noticeable

We would like to address the 3 main areas of concern by responding to the suggestions in the planning response/ feedback;

**The western setbacks of the proposed development are non-compliant in that they are set at 1860 mm (wall) and 1492 mm (window seat), rather than the 2000 mm as per Clause 54.04-1.**

1. *The proposed extension will sit on or around the existing foot print of the soon to be demolished garage – this is quite misleading. The new development is larger and extends further into the rear of the yard than the current structure and there will be more structure along the western boundary than exists currently. Furthermore, the existing structure has a flat roof so the visual imposition is minimal, however the proposed development has a pitched roof which significantly exacerbates the enclosed feeling from non-compliant setbacks*
2. *That the proposed development is a single-story dwelling and therefore the non-compliant setbacks are less important.* The aforementioned planning clause does not differentiate between single or double story developments. There is also the possibility that our neighbour or future neighbour will in the future seek to add a second story on the dwelling at which point the non-compliant setbacks would be further exacerbated.
3. In addition to the main proposed setbacks; more concerning is the proposed window seat (eyebrow) which is less than 1.5 meters from our property fence line a significant imposition on our privacy and usual enjoyment of our property. It would mean that the average person could physically reach out and touch the building from our property title line.

Moreover, the proposed non-compliant aspects of the proposed development are the main living areas (kitchen, dining and lounge areas), which would generally also be associated with increased noise levels – our main rear living area and a bedroom is situated there.

Two years ago, we also undertook a development at our property (which is approximately the same size) and at all stages we ensured the relevant Bayside Planning Requirements were met and complied with. Compliance with the side setbacks were of great concern to us for the reasonable enjoyment of our property and to not impose on our neighbour's enjoyment of their property. In fact, we had initially proposed and Council had approved constructing our new property on the title line (wall on title and removal of fence). However, although compliant and approved by council, after our neighbour (the applicant) raised concerns and advised his preference was to keep the existing fence, we made the required alterations with planning to address his concerns.

Again, we wish to reiterate that the lot size of 3A Bent Parade is almost identical to our property and at no time during our development did we propose or attempt to infringe on any of the Bayside Planning Requirements. Thus, the ability to meet these setback requirements is very achievable.

In regards to the site coverage, our neighbours proposed plans seek to exceed the 50% site coverage. Our neighbour has responded to our concern via a third party noting "Given the size of the nearby dwellings...we submit that the variation sought to Standard A5 is reasonable". However, we again reiterate our development and those also recently undertaken in Bent Parade, are all compliant with site coverage requirements. We would strongly suggest that if the western setbacks were compliant at 2000 mm then the site coverage clause would also be compliant.

We have attempted to discuss our concerns with our neighbour directly and have been transparent with any objections made to council. Bayside Council Planning Department have also been very cooperative in attempting to arrange a consultation meeting with our neighbours. To date our neighbour has not made contact with us directly about the matters raise and has refused to accept councils offer of a consultation process, a process we undertook to address and resolve any of our neighbours concerns during our development.

The issue of non-compliant planning applications in Bayside is also very concerning in that it sets an uneasy precedent for other non-compliant developments to be proposed/ undertaken (further magnified for narrow lots). Again, we are not anti-development or this development!

Making these changes to the setbacks to 2000 mm to ensure compliance (or at the very least adjusting the window seat setback to mirror the 1860mm proposed setback), is not a significant impediment to our neighbours' proposal. These adjustments would also address the non-compliant site coverage aspects of the proposed development. Both of these alterations to ensure compliance are not unreasonable and definitely achievable. Ensuring compliance with these points would also prevent the need for further arbitration in regards to our neighbour's proposal.

We thank you for the opportunity to communicate with you directly and encourage you to make contact if you have further questions or require clarification.

Yours faithfully

David Greco & Bernie Moss  
3 Bent Parade, Black Rock.

## **2. Ms Nikki Taylor (on behalf Brett Capron) (A)**

Our Reference: 2114

12 April 2021

Planning and Amenity Delegated Committee  
Bayside City Council  
PO Box 27  
SANDRINGHAM VIC 3191

Dear Committee

**Re: 3A Bent Parade, Black Rock  
Planning Permit Application No 5/2020/588/1  
Submission to Planning and Amenity Delegated Committee Meeting  
Date and Time: Tuesday 13 April 2021, 6.30pm  
Agenda Item 4.4**

I have been engaged to act on behalf of the owners of the subject site who have applied for a single storey extension to their dwelling. I was engaged after the application had been to advertising with objections received. I had no part in the application prior to this.

Thank you for allowing us to be heard.

My clients are proposing a modest, single storey addition to their existing dwelling on this site. They are passionate about sustainability and believe in the ethos that the most sustainable house is the one that is not demolished and rebuilt. This ethos and a desire to maintain the post war history of the existing home are at the centre of the proposed design that retains the original structure and utilises the block to great effect with a modern extension.

In addition, it is their intention to refresh their garden which will become a much more useable space with the proposed design. They wish to utilise sustainable species which are, in this coastal location, native or indigenous to the area. No trees are proposed to be removed to accommodate the proposed extension.

The application was advertised and 4 objections were received. 2 of these objections were from parties who either do not live adjacent to the site or within the street, or did not identify which property they were responding on behalf of.

The other 2 objections were from residents living in the two properties either side of the subject site.

In addition to the objections, the application received 7 letters of support, including 4 from residents in Bent Parade with the others from nearby residents.

We provided to Council and the objectors a detailed written response to the objections received. In addition, my client has spoken to both neighbouring objectors and subsequent to these discussions and further clarification, one of these objections has been withdrawn.

The other party has chosen not to withdraw their objection which leaves one outstanding objection from an immediate neighbour.

The proposed design contains 3 areas of non-compliance with the varied standards outlined in Schedule 3 to the Neighbourhood Residential Zone, in which the site is located.

We submit and agree with the Council officer, that the variations sought are reasonable.

In brief, the variations sought are as follows:

<b>NRZ3 Standard</b>	<b>Preferred requirement</b>	<b>Variation sought</b>
Standard A5 – Site coverage	50%	51% - 1% variation
Standard A10 – Side and Rear Setbacks	2m at ground level	Minimum proposed setback 1.492m – 50cm variation
Standard A11 – Walls on boundaries	Maximum average height of 3.2m and maximum height of 3.6m	3.421m – 20cm variation

The variations sought are minor and the standards allow for variations to be considered subject to the decision guidelines. In the context of the narrow site which is only 10.77 metres wide and the fact that the existing dwelling on this site which is set back 1.868m from the western side boundary, we submit that the variation sought in relation to the side and rear setbacks is reasonable. Furthermore, the varied setbacks will not be visible from the street as they are to be located behind an existing wall constructed on the boundary. Given the single storey nature of the extension, the minor variations sought along the western boundary side of the development will have limited to no impact upon the amenity of the adjoining dwelling to the west. Any impact passes the reasonableness test given the adjoining interfaces. Therefore, the proposed setbacks will have no impact upon the streetscape character or the amenity of the neighbouring properties.

In relation to the variation sought in relation to site coverage, the variation is 1% which is minor only.

In relation to the height of the wall on the boundary, the variation sought is minor and given that the wall is in roughly the same location as an existing wall and the neighbour did not object, we submit that the proposal is reasonable and will not be out of character with existing conditions on the site.

The dwelling on the subject site is the only original dwelling left of a former duplex of single storey brick dwellings constructed on 3 and 3A Bent Parade. The other side of the duplex has been demolished and a modern double storey dwelling constructed in its place. Rather than do the same, my clients are looking to retain the existing dwelling and construct a single storey extension to the rear to provide a more useable floor space and layout for their growing family.

The existing dwelling has 2 bedrooms, separate lounge and dining rooms, kitchen, bathroom, laundry and toilet. It also has existing outbuildings located to the rear of the dwelling. The new layout will include 3 bedrooms, 1 with ensuite, study, formal lounge room,

bathroom, laundry and open plan kitchen/living/dining room which leads out into their backyard.

The extension is single storey only and will have no off-site amenity impacts. None of the neighbouring properties will suffer detriment to their amenity from the proposed extension. It is my professional opinion that the proposal is modest only and the variations sought to the 3 ResCode standards is reasonable in the context of the decision guidelines outlined in Clause 54. I believe that the Council officer has assessed the application in a correct planning manner and I concur with their recommendation on the application.

It appears from the correspondence received and from what I have been advised by my clients in relation to the conversations had with the neighbour at 3 Bent Parade that their main concern is not a planning concern, but rather it relates to the location of shared sewer pipework which is located on 3A Bent Parade. This is not a relevant planning consideration.

However, in the interest of good neighbourly relations, my client has investigated the issue and discussed the outcome of these investigations with his neighbour. South-East Water has confirmed that they have no assets on the site and there are no easements on title which will be impacted by the proposal. South-Easter Water have advised my client that the matter is the responsibility of the appointed building surveyor to resolve and not a planning issue. My client has also spoken to their engineer, builder and plumber in relation to this matter all of which have confirmed that the matter can be satisfactorily resolved without having to amend the proposed design of the dwelling extension. My client is anxious to resolve this matter to the satisfaction of all parties, however this will need to be resolved through the normal building process.

My clients have done all that they can to satisfy the concerns raised in the objections.

In conclusion, we submit that the proposal is reasonable in the context of the neighbourhood and the street. The modest, single storey extension will allow the family who reside in the dwelling to enjoy a better quality of life through the improvements made to their dwelling.

We respectfully request that Council approve the dwelling extension and issue a Notice of Decision to Grant a Permit.

Should you have any questions regarding this letter, please do not hesitate to contact this office on 9541 6600 or email me at [nikki@devconps.com.au](mailto:nikki@devconps.com.au).

Yours sincerely



Nikki Taylor  
Town Planner and Director  
Devcon Planning Services Pty Ltd

**Item 4.5**  
**13 Lileura Avenue, Beaumaris**

## 1. Mr David De Giovanni (A)

Dear Councillors,

**Re: Planning Application 5/2020/661/1**  
**13 Lileura Avenue, Beaumaris**

Our office acts for the permit applicant in this application. We wish to thank Council for allowing us to submit this letter for consideration prior to the Council meeting on 13 April 2021.

### *Efforts to Work with Objectors*

From the outset, we have made a sincere effort to work with the community.

We participated in the consultation meeting on 22 February 2021 that was also attended by Cr Martin and a number of resident objectors.

Two of the objectors who abut the rear of the site (George Johnson of 14 The Close and Leigh Wylie of 16 The Close) raised very confined objections relating to overlooking from the first floor deck areas.

By the letter of the law, the extent of overlooking from the roof terraces complies with ResCode, and we are not obliged to screen these areas.

As you can see from the **attached email**, we initiated contact with both Mr Johnson and Mr Wylie with a view to resolving their concerns. We essentially offered to screen the deck area, notwithstanding their full compliance, subject to them withdrawing their objections. As the **attached email** correspondence shows, only one of these objectors chose to respond to our request, and even then, this objector has not chosen to withdraw their objection.

Despite this, we have formally submitted amended plans showing the screening of the decks as they face their properties (14 and 16 The Close), which fully resolves their ground of objection.

If you read their objections, the concerns raised by 14 and 16 The Close have been fully addressed by the amended plans.

We have endeavoured to work with our objecting neighbours at 11 and 15 Lileura Avenue, however, the nature of many of the grounds of objection (i.e. will construction of the basement car park structurally undermine adjacent properties, should there be a basement car park) are not town planning matters and cannot be readily resolved.

### *Efforts to Work with Council Professional Staff*

From the outset, we have endeavoured to work closely with the Council planner assigned to this application.

There have been on-going telephone and email discussions to resolve design concerns and further information requested, and Council staff have been included in all our dialogue with objectors. Changes made to the plans during the process have followed direction from Council officers and the recommendations of relevant internal referral professionals.

This effort to work with Council officers has culminated in the positive recommendation of support.

### *High Quality Design Outcome*

This is not a case of trying to squeeze as much on the site as possible.

Only two (2) dwellings are proposed on this substantial 823 square metre allotment.

The houses are of very high architectural quality, feature generous garden areas, and provide direct north facing courtyards, alfresco areas and living areas. These will be very safe and pleasant houses to live in.



The image on Page 2 shows the height and scale of the development is a comfortable fit when viewed against the respective adjacent large two storey dwellings. The green line depicts the two storey forms, with the recessed roof terrace shown by the red arrow. The height of both elements is fully compliant with ResCode and is a comfortable fit.

Lileura Avenue, and Beaumaris in general is characterised by large dwellings, with two storey dwellings and basement car parking becoming a regular occurrence. Figure 3 confirms there are many examples of substantial housing forms in Lileura Avenue, along with examples of ‘side-by-side’ two dwelling developments that share similarities to the proposal.

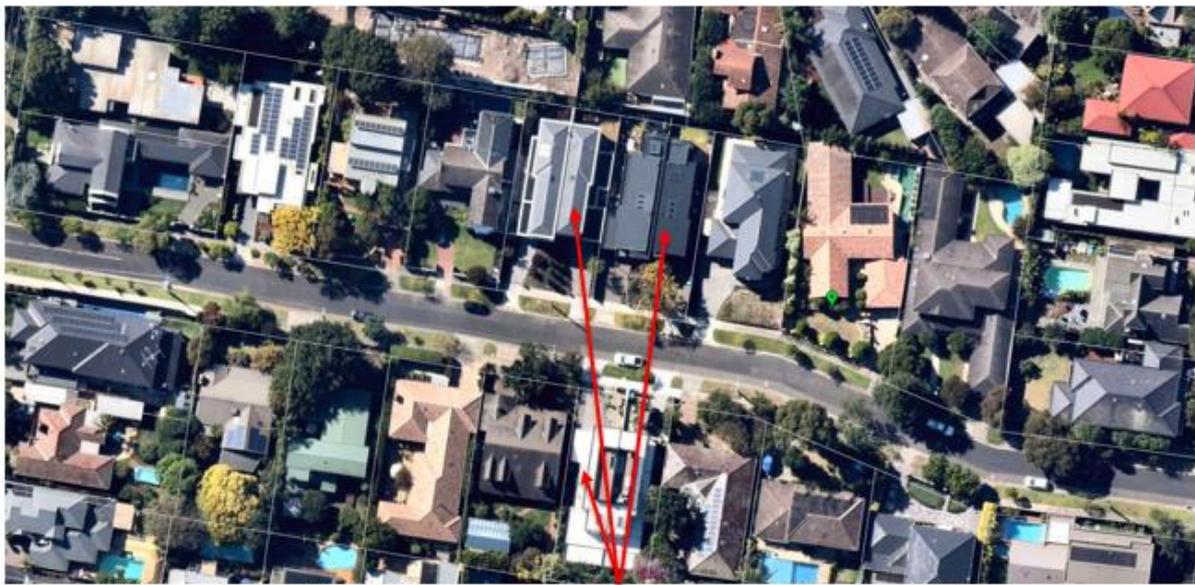


Figure 3—Aerial Image, Nearmap-March-2021 → → Similar Developments in Lileura Avenue

### **Amenity Impacts**

Overlooking is compliant, with suitable screening used where required, and as previously mentioned, the roof terrace has been screened as per the requests of the objecting parties to the rear of the site (14 and 16 The Close).

All required car parking is provided on site, and the basement layout shows the introduction of a vehicle turn-table, that allows vehicles to safely exit the site in a forward direction.

We note that Council’s traffic engineers and drainage engineers are supportive of the basement arrangement.

The design is sensitive to its abuttals.



The image to the right shows the ground and first floor footprints are setback from the rear boundary the same as adjacent dwellings.

This maintains the corridor of open space to the rear of properties.

The design locates the built form in the middle of the site, where it is line with the built form of the two adjacent properties (also in the middle of the site), - leaving the front and rear portions of the site open and suited to landscaping.

The first floor side setbacks comfortably meet Bayside's restrictive side setback requirements.

This has the benefit of reducing the effects of shadowing (fully compliant) and visual bulk (fully compliant) to adjacent properties.

This is a highly compliant, high quality architectural development that is sensitive to its abuttals, sensitive to the streetscape, and that offers its future occupants an excellent level of amenity.

Again, thank you for allowing us to submit this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David De Giovanni'.

**David De Giovanni**  
Town Planner

**Item 4.6**  
**1 Cambridge Street, Brighton East**

## 1. Ms Clare Chadderton (A)

Dear Councillors,

We refer to the above matter and provide our written submission in support of our request for Council to uphold the recommendation of the Planning Department to approve the proposal.

As there were seven (7) original objections to the proposal and Council were not holding consultation meetings due to Covid restrictions, Keen Planning approached each objector and held discussions with all that responded.

In response to the discussions, updated Development Plans with a significant reduction to built form and a reduced number of bedrooms to each dwelling were lodged with Council on 27 November 2020.

We note that the objections lodged after this time were largely from the same objectors with multiple submissions acknowledging that a number of their concerns had been addressed by the amended proposal.

We submit that we have been responsive to the concerns of objectors and that the proposed development is now highly compliant with ResCode requirements and represents a site responsive development.

A summary of our response to key policy objectives are as follows.

### **Built Form, Scale of Development and Street Character**

- The proposal is responsive to Neighbourhood Character policy, including providing substantial building separation (ground floor side/rear setbacks between 2.0 and 3.5 metres), recessed car parking structures (underground car parking provided) and use of a variety of building materials common to the surrounding residential context (brick, weatherboard, render and timber).
- Activation of the Cambridge Street frontage and relocation of the crossover away from Cambridge Street, noting that this frontage is currently defined by a 2.0 metre high paling fence and a crossover/vehicular access gate.
- The planting of an entirely native landscaping scheme, including eight (8) new canopy trees, which will contribute a net gain of two (2) canopy trees at the site and a superior landscaping response to existing conditions.
- We submit that the scale and extent of the proposed development is not unreasonable with the proposal demonstrating a high level of compliance with the following Planning Scheme requirements.
  - o Garden area of 45.9 percent of site area (297 square metres), which is well in excess of the 30 percent required.
  - o A high level of compliance with ResCode Standards, including full compliance with side and rear setbacks, site coverage and no walls on boundary proposed, demonstrating that the proposal is not an overdevelopment.
  - o Where the two (2) variations to the ResCode Standards are sought, we submit that the objectives are met, as follows.

- The variation to the street setback Standard responds to the immediate context of the site, with a (compliant) 9.0 metre setback abutting the dwelling to the north and a reduced setback (6.6 metres) opposite the shops to the south, which are built to the street.
- The variation to the maximum front fence height Standard sought along Cambridge Street will provide acoustic attenuation from traffic noise generated along Nepean Highway. We further note that the proposed maximum 1.8 metre fence height is lower and more open than existing conditions.
- Further to the above and based on feedback from objectors, areas of private open space well in excess of the minimum requirement have been provided, with between 80 and 118 square metres provided to each dwelling.

#### **Car Parking and Traffic**

- The proposal includes six (6) car spaces as required by Clause 52.06-5 (Car Parking) of the Bayside Planning Scheme.
- We note that the traffic concerns raised by objectors mention that there is already a large volume of on-street car parking occupancy associated with the car dealerships to the south however, we reiterate the required number of car parking spaces are provided and note that the relocation of the proposed crossover will not reduce the amount of available on-street car parking.
- Further to our discussions with the local business owners and to assist with an ongoing issue for them, we would not object to timed car parking restrictions in front of the site on either/both Nepean Highway and Cambridge Street. This would reverse the current problems associated with staff of nearby businesses parking all day in the street.

#### **Street Addressing**

- In response to objector concerns regarding how the proposed dwellings will be addressed, we do not object to all dwellings being addressed to Nepean Highway.

Based on the above, we submit that the proposed development is consistent with the existing and preferred character of the area and has been designed to limit the impacts on adjoining properties. We therefore respectfully request that Council support the report and recommendation from the Planning Department to issue a Notice of Decision to Grant a Permit for this proposal.

For any further enquiries, please contact Clare Chadderton by phone on 9596 9000 or by email at [clarec@keenplanning.com.au](mailto:clarec@keenplanning.com.au).

Yours sincerely,



**Keen Planning**

**Item 4.7**  
**168-188 Tulip Street and**  
**152 Tulip Street, Cheltenham**

## 1. Mr Paul Foxworthy (on behalf of Friends of Native Wildlife) (O)

Dear Committee,

RE: REQUEST TO BE HEARD

PLANNING APPLICATION FOR BASKETBALL COURTS AT 150&168-188 TULIP STREET  
CHELTENHAM

PLANNING APPLICATION NUMBER PP 49/2020

We have had promising discussions with Council regarding the environmental impacts of this proposal. It appears that Council has now recognised the significance of the Tulip Street pond to Bayside and the value the community places on it. Council has made a number of good undertakings to us and other parties (the letter sent to us by Damien Van Trier dated 2/2/21) to mitigate environmental impacts. We recognise that whilst a permit is not the vehicle for implementing all of these, the permit should formally recognise most of them. It is disappointing that the draft permit does not do so.

There are also some other matters of continued concern in relation to addressing the visual impact of the development as shown on the plans.

Council Undertakings Not Reflected in the Permit (wording in italics extracted from Council letter)

*“Collaboration with FoNW to finalise a landscape plan that where possible will include the retention of identified habitat trees and new planting, soaks and other improvements to enhance the flora a fauna of the reserve and new stadium surrounds;”*

*“Planting of a new “green barrier” along the Reserve Road boundary of the planned wildlife corridor;”*

The wording of the draft permit does not accurately represent the intent of the above undertakings. It simply refers to a “green barrier” which is only part of the final proposal. There is no mention of the “habitat corridor”. As the above quote indicates, the green barrier is part of a broader habitat corridor which will also require plantings.

We note that the landscape condition refers back to the original landscape plan by Michael Smith and Associates which is totally unsatisfactory and bears no resemblance to the later discussions.

We note also that the planners’ report states at p.219 that “Conditions have been included on the recommendation to ensure that this area is planted with 100% indigenous vegetation including a number of canopy trees”. There is no mention in the condition of canopy trees. These should be tall to help soften/screen the building, provide habitat and shelter from the wind.

The planners’ report neglects to discuss the visual impact of the building when viewed from within the park. Throughout this project this important consideration has been neglected. The landscape concepts we have put before Council have all proposed tree and shrub planting on the north side of the stadium and also the south side.

*“Construction Management Plan to include an Environmental Management Plan with a specific reference to the management of frogs within the construction site.”*

*“Plan to commence construction no earlier than September/October 2021 following the frog hibernation period.”*

Draft Condition 14 requires a Construction Management Plan. The tree removal raises fauna salvage issues as identified in the ecological report by Arcadis which recommends that “A Construction Environmental Management Plan should be developed to address measures required to ensure protection of biodiversity values within the adjoining reserve and golf course, including erosion and sediment control, fauna salvage and temporary exclusion fencing.” (Arcadis p.7). The Arcadis recommendations on pages 7 and 8 should be included in Condition 14.

*“Where appropriate, logs from removed trees to be retained onsite for habitat purposes”.*

One of the Arcadis recommendations is that any logs from felled trees be retained for future use on the site. There is no mention in the draft permit of this undertaking though it is relevant to the proposed tree removal.

*“Expansion of water retention tanks to collect rainwater held to support the pond and other ‘wet areas’ to be released at times deemed appropriate by Council and FoNW includes overland flow areas for tank water to enter the pond;”*

Whilst the initial 40,000l tank has now been divided into two tanks which can more effectively distribute water to both sides of the pond, the overall capacity has not been “expanded”.

Expansion of the water tanks will assist in supporting the proposed landscaping on the site which is required in response to maintaining habitat corridors, an objective of the VPO3, and the natural landscape character of the area in accordance with DDO2.

Tank water can be used to water the landscape offsets for the tree removal however Council has not provided any information on how much water the toilets will use or whether the amount available for the pond will be sufficient. We strongly agree with the ecological advice from Arcadis that the pond should remain ephemeral. We also agree with the Arcadis advice that extension of the pond’s wet period would be beneficial, in particular for frog species.

The pond’s entire capacity is in the order of hundreds of thousands of litres and therefore may demand more than the 40,000l provided. The supply of water from the roof in an average rainfall year will be in the order of 2-3million litres, hence there is plenty of supply. We request that additional 40,000l (minimum) tank capacity be provided to provide for both the pond and the landscaping.

Other matters

Re: Compliance with DDO2

Although we have not been given an undertaking that the large orange stripe on the north side of the building will be removed, we still object to this stripe which draws attention to the building and is not compatible with the natural park surrounds.

Three large Cypress trees appear to be proposed for removal on the Golf Course's Reserve Road boundary (Tree Nos. 87-89). No replacement landscaping has been proposed to fill the gap created along the road frontage. Filling the gap will support the visual /character objectives of the DDO as well as provide linked habitat in support of the VPO3 and should be addressed by Council somehow.

We note that Council is both the applicant and the approval authority for this proposal. We expect that Council would apply at least the same rigour to an application as it would another applicant.

We thank Council for their responsiveness to our concerns about this proposal. Largely, what we are requesting is codifying things that as we understand it councillors and Council officers already support in principle.

Council and the Bayside community at large have an opportunity in this development to demonstrate environmental leadership where all stakeholders can be proud of the result. We are supportive of good sporting facilities for the community when they sit well in their landscape. By giving thought to the environmental impacts of this development, we can all showcase an appropriate type of development in Bayside to the local and wider community and to those planning future developments in Bayside.

Yours sincerely,

Sally Eldridge

Elizabeth Walsh

Paul Foxworthy

Anne Jessel

Adam Burrowes

Geoffrey Daniel

(Committee, Friends of Native Wildlife)

**Photos illustrating the character of the reserve**



## 2. Mrs Caroline Lawton (on behalf of Beaumaris Conservation Society) (O)

**Beaumaris Conservation Society** would like to support Friends of Native Wildlife in their following concerns.

BCS is also grateful of the positive discussions BCC had with local environmental groups but also feel that the draft permit does not formally recognise many of them.

We also express concerns around the wording “green barrier” along the Reserve Rd boundary of the planned wildlife corridor. Habitat corridor is not mentioned at all. A green barrier is very different to a habitat corridor.

We are also concerned with vague planners report, what are the species of canopy trees to be planted and how many? It is vital that canopy trees are planted to protect the “Habitat corridor” and provide shelter and habitat to local birds, insects and wildlife.

There are several large habitat canopy trees being removed from this site which will have a significant impact on local birds, insects and wildlife. Will nesting season be taken into account when these habitat trees are removed?

The draft permit does not mention the Arcadis recommendations of the logs from removed trees being retained for habitat purposes.

This is an opportunity for Council to give back to the wildlife what they have taken from them. (their homes). Logs can be hollowed out and used as nesting hollows attached to the remaining trees.

Nesting hollows are in decline for the first time in history, resulting in the extinction of some species of local bird and wildlife.

Three large Cypress trees appear to be proposed for removal on the Golf Course’s Reserve Road boundary (Tree Nos. 87-89). No replacement landscaping has been proposed to fill the gap created along the road frontage. Filling the gap will support the visual /character objectives of the DDO as well as provide linked habitat in support of the VPO3 and should be addressed by Council somehow.

We would also like to request that additional 40,000l (minimum) tank capacity be provided to provide for both the pond and the landscaping, this is certainly one objective of the VPO3.

BCS is grateful to the Council for engaging with local Environmental groups towards the beginning of the process to deliver positive outcomes for both the local environment and the local Basketball community.

All the points of concern above can be easily achieved and demonstrate to **ALL** local residents that through community consultation it does not have to be either/or.

We thank you for your time.

Kind Regards

Caroline Lawton

President

Beaumaris Conservation Society Inc

### 3. Ms Sue Forster (O)

In November 2020 I wrote to the Planner to request modifications to the application for basketball courts at Tulip Street. Among my concerns were: (1) potential negative impacts on wildlife and its habitat, (2) loss of tree canopy, and (3) environmental offsets being made outside Bayside rather than within the municipality.

I have read the Recommendations and support an increased setback from Reserve Road, but am confused by the term 'green barrier'. According to 6.2, this will provide a landscaped setting around the building and 'act as conduit for animals that use the pond and the vegetation in the golf course'. Given this second objective, could the term 'habitat corridor' be adopted instead? The purpose of a barrier is to impede movement, not enhance it.

Unfortunately, a lot of important detail is still lacking. For example, Recommendation 1c) 'that an amended [and detailed] Landscape Plan is still required as a condition of granting a permit' is only one example.

**Ecological advice from Arcadis Design & Consultancy in Attachment 4** of this Agenda makes a number of important points about the protection of Bayside's wildlife that are ignored by the current Recommendations and *should be added as conditions of granting a permit*.

**1. Lighting (see page 6).** This section lists seven methods for ensuring that lighting around the building and car park will meet National Light Pollution Guidelines for Wildlife (DoEE 2020).

**2. A Construction Environmental Management Plan should be adopted (see page 7).** This section deals with erosion and sediment control, fauna and habitat salvage and temporary exclusion fencing.

Further to my original concerns about environmental offsets, the removal of trees on this site surely presents Council with an opportunity to offset locally and ensure that there is no overall loss of trees within Bayside? There is no mention of where offsets might be made in the Recommendations.

Thank you for engaging with local environment groups to date in the planning process.

Sue Forster

**Item 4.8**  
**415 Bay Street, Brighton**

## **1. Mrs Maureen Huebel (O)**

I am the owner of the property at 1 Hillcrest Ave Brighton as as the next door property of 415 Bay Street Brighton is a 3 storey building it will look right down into our only green garden area and take away our privacy. We suggest that the building has opaque windows on the north side or alternatively the builder pays for 6 ficus trees/shrubs to provide the privacy for the front garden as it is an outside eating area as well. This lack of privacy impacts up to 12 residents at 1 Hillcrest Ave, Brighton.

## 2. Mr Michael Ryan (A)

Dear Statutory Planning Department // Appointed Councillors,

### **PLANNING APPLICATION NO. 546/2020 – 415 BAY STREET, BRIGHTON PLANNING AND AMENDITY MEETING SUBMISSION**

We are the proprietor of the abovementioned property and are seeking to refurbish / extend the existing unoccupied building at 415 Bay St, Brighton, via Planning Application No. 546/2020 (the "Application").

We are a local company that intend to occupy the proposed office building and have every intent of maintaining positive relations with the local community. Throughout the course of the Application, we engaged with Council Officers and the local community frequently to work towards a mutually favorable response.

We understand the initial design of the proposal caused some concerns, generally relating to:

- The building design from a heritage perspective;
- The provision of on-site car parking;
- General traffic concerns in the immediate area of the building;
- The impact on the adjoining public space (ie. Use of the footpath for bike parking and the removal of the on-street carpark); and
- The safety of car egress from Warleigh Grove onto Hillcrest Avenue.

Following this we had a series of productive meetings with Council Officers to refine the design to their satisfaction. In addition, we also volunteered to organise and hold a productive community information evening on-site, that was attended by local residents.

Following these meetings, we formally submitted an updated Architectural Package that contained several changes. From a technical perspective, we believe we have responded in an appropriate manner to the concerns raised by the stakeholders, as identified above.

We feel it is prudent to note the following key considerations and changes to the proposal, throughout the carriage of the application.

- The building design has been modified to be more respectful from a heritage perspective, by improving the existing brick façade at level 1 (for example – the proposed "tuck-pointing");
- The scale of the building aligns with what is contemplated by the Bayside Planning Scheme given its location within a Major Activity Centre;

The single existing on-street car parking space fronting Hillcrest Ave, is now proposed to be relocated. No on-street parking is lost because of the proposal;

- A Green Travel Plan has been prepared to encourage Staff to walk, cycle, use public transport and carpool to the proposed office. Furthermore, end of trip facilities (shower and change rooms) have been added to the ground floor, to further encourage the use of sustainable transport;
- On-site bike parking has been increased from 1 to 4 bike parks.
- Due to the physical dimensions of the property providing more car parking is not practical and would result in a non-desirable outcome given the physical constraints of the property and Council's overall sustainability goals;
- The proposal will revitalise a building which has been vacant for over 6 years and has contributed little to the nearby community in recent times;
- When complete, the proposed office building will create local employment opportunities.

We believe the proposal will be a positive addition to Bay Street and we look forward to working within this vibrant community.

Despite not being direct planning related issues with this Application, we wish to raise the following community items with council, which were discussed with objectors at length, during our public information evening:

- On-street Resident & Visitor Car Parking
  - During the car parking discussions nearly all objectors raised a concern regarding lack of car parking for residents and visitors in the immediate area of Hillcrest Ave. It was noted that no on-street resident or permit parking is provided in the immediate area. Given the 2Hr on-street parking in Hillcrest Ave and Cowra St is full most of the day, there appears to be little, if any, opportunity for residents and their visitors to park.
  - As a landowner and local member of the community, we would support a strategy to provide some residential permit parking in Hillcrest Ave, whether that be 1 side of the road or 4 – 6 spaces spread out along either side of the road.
- Traffic and Pedestrian Safety for vehicles exiting Warleigh Grove
  - During our information evening, there was a common concern regarding vehicle and pedestrian safety at the intersection of Warleigh Grove and Hillcrest Ave.
  - We suggest council engage with the local residents to look at options such as additional signage, convex mirrors, pedestrian crossing linemarking or the like, to enhance vehicle and pedestrian safety in this area.

We respectfully request that council engage with the local community regarding the items

raised above. Sincerely,



Michael  
Ryan  
KERVALE  
Sales Director

On behalf of 66-70 Black Street Pty Ltd, Land owner – 415 Bay St, Brighton

**Item 4.9**  
**78-80 Orlando Street, Hampton**

## **1. Mr Denis Duka (O)**

Being a homeowner in Orlando Street, the proposed development is completely inappropriate for our street. Orlando Street is a narrow, quiet residential street, where parking is at a premium at the best of times, partially due to its close vicinity to the beach. It is irresponsible development to be proposing to add 15 new dwellings and up to an additional 50 people in such a small space. Not only that, it will be encroaching - right up to the boundary of a family that has lived next door for 25yrs. This development is the epitome of greed and does not consider any of the neighbours or the broader neighbourhood. It would dramatically detract from the area by causing traffic chaos, noise and destroying the surrounding aesthetic.

## 2. Mrs Judy Pavlou (O)

I submit the objection to the proposed development at the above address. My objection is based on several points, summarised below:

### NEIGHBOURHOOD CHARACTER, STREET SCAPES AND PROXIMITY TO HERITAGE PRECINCT

- The design is most definitely not within the overall neighbourhood character of Orlando Street. The proposal is an inappropriate response to the neighbourhood character. It is definitely not within the current streetscape and is inconsistent to the character of the area. The houses in the immediate surrounding area, as well as the majority of buildings in Orlando Street, have pitched roofs, soft lines and are weatherboard Edwardian or Californian bungalow style. Many houses in Orlando Street have Heritage Overlay. Houses in the immediate area, which are period style houses at 82, 80, 76, 74, 72, 70, 85, 83 (just to name a few)
- The nature of the building is not in keeping with the rest of the neighbourhood. My house is a well maintained weatherboard Californian Bungalow. The houses directly opposite the proposal are weatherboard Edwardians and the development is next door to the heritage overlay that commences at no 76. The proposal does not have a pitched roof or tiled roof it is square in nature and flat roofed. There are no other large apartment blocks of this nature in the street in the street. The proposal is a massive contrast and not in keeping with the neighbouring houses and the street architecture.

### OVERDEVELOPMENT/BULK ON SMALL LAND

- The total land area of the development site is listed at 1176m<sup>2</sup>. The proposed building of 15 apartments 7 x 3 bedroom, 6 x 2 bedroom and 2 x 1 bedroom is a significant over development, crowded and the visual bulk will be not in keeping with the streetscape. The proposal (3 storeys high) is a complete over-development on land less than of 1176 square metres. There are no other 3 storey multiple unit developments in the Orlando Street on two joined small single house blocks. There are far too many huge apartments spread throughout the streets of Hampton already.
- The visual bulk - the size and scale of the development is out of context with the area
- The 'overdevelopment' of this property will cause disruption, noise, privacy issues and significant increased traffic and parking.
- With 35 bedrooms across the 15 apartments there could be anywhere between 35 and 70 people living in the one building. It is an undeniable fact that this is significant overcrowding, bringing with it several problems for this location.

### CAR PARKING/TRAFFIC ISSUES/ADDITIONAL NOISE

- Car parking is not adequate and increased traffic problems. The ABS presents statistics that show Australian's own 607 cars per 1000 head of population. Further data indicates 51% of households in Australia have access to 2 or more motor vehicles. If we apply these factual statistics this development would require at least 30 plus car spaces allocated in the proposal. Potentially many more cars if each property has more than the average 2.5 person living there! How would at least 23 cars manage to enter and exit one driveway? What sort of noise would be created by the multiple opening and closing of the gate entry to the underground car park? (Located close to my bedroom at the front of my house?)
- Furthermore, the additional traffic and car parking that would be caused by guests visiting the apartments will indisputably cause traffic and parking congestion in an already stretched street and area. When an apartment resident doesn't want to use the allocated under carpark and instead parks on the street that puts additional pressure on the already sparse street parking. Parking in Orlando Street is already sparse due to older style houses with limited off street parking, train and beach users as well as customers to the popular Small Street businesses.

There is a no parking area immediately out the front of 78, 80 and 81 and 83 Orlando Street as this is deemed a dangerous bend in the road.

- Orlando Street is a narrow Street and with cars parked on both sides of the road there is only space for one car to drive along it.

#### PRIVACY AND OVERLOOKING TO HABITABLE SPACES AND BACK YARD FROM BALCONIES AND WINDOWS ON THE NORTHERN SIDE

- Overlooking into my property and personal spaces especially from the various balconies with balustrades of 1.050 metres with angled blades (that a person standing at could see over) but also windows with no obscuring that will potentially enable viewing in to our back yard and main living spaces at the rear of our home. There should be NO ABILITY to look into our private spaces either in our house or back yard. I do not wish to see people standing on their balconies or moving about in their bedrooms and living rooms from my house or back yard (photos attached showing glass windows and doors across the rear and rear south side of my house into the main habitable areas) The balustrades of the proposal are not high enough and windows on the north that overlook should be obscured. Are the blades fixed in position or moveable? The glass obscured balcony on the top floor is not high enough and is there a gap that can be seen through at the bottom?
- I have a large room at the rear of my house that is made up of the kitchen/ meals/ family space. There are windows that will be able to be looked into from the second and third storey apartment windows and balconies (balconies are not high enough and windows not adequately obscured with frosted glass) I will not feel safe and have privacy in my own home!
- Our pool and back yard will not be protected from overlooking. How is that even allowed? Where is my family's right to privacy and no overlooking (photos supplied showing windows and doors from outside and inside my house)

#### ISSUES WITH UNDERGROUND CAR PARK

- The large underground car park which takes up most of the property is also a concern. The excavation for huge basement for most of the width of the block, boundary to boundary will undermine our pool which is situated close to the north boundary of our property and potentially undermine our house. We are concerned that our house and pool may subside due to the nature of the sandy soil in the area.  
(This already has occurred in the street at the 63/65 Orlando where a huge hole in the ground at 63 compromised the house next door at 65!)
- I am concerned about the underground streams that I understand run through the blocks in the street and various parts of Hampton. Disruption caused by huge underground excavation could divert water onto my property. There could also potentially be issues with sink holes and flooding such as happened near the Edgecliff Development and in Small street.

#### SET BACKS AND PUBLIC LANEWAY

- The set backs of the proposal are not adequate. The current set backs of the three properties 82/80/78 terrace back from north to south is shown in a picture submitted with my original objection. The portion of the development at 78 Orlando is set too close to the street. They don't appear to have included the set back of my house from the street at no 82 when determining the set back for the proposal. How can that occur?
- The plans propose a gate across a public lane way. This publicly owned property is shared access with 78,76, 74 and 72 Orlando Street. The proposed development will no doubt present access problems to these properties as well as the Victrack owned land at the rear of 78, 80 and 82 Orlando St, and the power substation at the rear of 78. (there was a fire at the substation in recent years and multiple fire engines were required access to put out the fire)

#### ENVIRONMENTAL/NOISE CONCERNS

With an overdevelopment of this size we raise major environmental concerns which include:

- The amount of rubbish generated by potentially 70 people
- The 15 x electrical appliances that will be running, ie air conditioners, hot water services, lighting and the location on the roof top of the building in a service yard and the noise that it will

produce for my family and the neighbouring properties

- The noise potential from yards and balconies of the various apartments

#### PLACEMENT OF THE DRIVEWAY TO UNDERGROUND CAR PARK AND OTHER CONCERNS

- Why does the busy driveway with a potentially noisy gate need to be positioned to the north?

Why can it not be located centrally or towards the laneway?

- Why is it necessary to replace the north boundary paling fence to raise the front fence in my front yard? How does that benefit me?

I urge you to reject this application.

regards

Judy Pavlou

### 3. Mrs Constantinis Raptis (O)

As a long term resident of this street I wish to object to the proposal for several reasons:

- It does not respond to established neighbourhood character of Orlando St and the surrounding residential area.
- The architectural style of proposal does not consider the surrounding houses. The proposed apartment building is flat roofed while most of the houses in the street have pitched roofs.
- The streetscape response to Orlando St is a poor response that is inconsistent with character of the area. See pictures that include the immediate houses to North of the proposal
- The size and scale of the development is out of context with the established residential pattern found in this location where many homes are weatherboard to the north and Heritage Overlay from lane-way to the south. The development will tower above immediate neighbours 82, 84, 86,81,83,85,87,89 Orlando Street and is not in keeping with the nearby houses or the majority houses in the street...see photos below
- The proposal is an over-development on land less than 1180 square metres (15 x 3 , 2 and 1 bedroom units, 3 storeys high).
- The building doesn't meet the set back objectives. It is set too far forward on the small blocks.
- Traffic/parking/noise impacts that are associated with the scale of the proposal to an already very busy location where Beachgoers and Train Commuters park in the street. Orlando St parking is stretched from 7:30am on weekdays and weekends. The mechanical structures and machinery for all 15 apartments located on the rooftop will create considerable noise to the neighbourhood.
- Evening peak hour traffic is extremely high on Beach Road and some cars continue to use Orlando Street as a cut through. This development and the additional car movement and parking required by the proposals residents and visitors will worsen the problem. Car parking for the proposal is not adequate for residents and their visitors.
- The site is on a poor visibility corner and there is a NO PARKING zone outside 78/80/81/83 Orlando (dangerous). Where will visitors park? Where will residents without adequate parking space in the development park?
- Rubbish bins and recycling - where are 30 bins going to be placed on pick-up day? The frontage is a No parking zone and likely deemed dangerous.
- Large underground excavations cause problems to the water table and there have been issues with flooding and sink holes in large developments in Small Street and Orlando Street. These will impact neighbouring properties

I strongly object to this proposal and the precedent that might be set in the Street if it is permitted to go ahead.

Constantina Raptis

#### 4. Mrs Jenny Yelland (O)

I strongly object to this development on the following grounds;

1. Our street has a special quality and uniqueness comprising of period homes, and in particular this end of the street where there is a Heritage overlay to protect these gorgeous homes that the residents maintain and are proud of the character and environment of our street in an historical sense. The **streetscape is definitely Edwardian** in architecture and there are few younger homes but still in a period style of the 30's. This property is only 2 doors from the heritage overlay listed homes and will therefore provide an impact not in keeping with the current streetscape.
2. I object to the **visual bulk** this development will have, there are too many apts on such a small footprint and built so close to the street with that height is not in keeping with the streetscape at all.
3. It is an overdevelopment of the site and this may set a precedent for further eroding the historical architectural significance of the surrounding homes.
4. With so many apts and extra cars the **traffic noise** will increase further as well as traffic movement in a street that is already very **busy** especially in summer when beach goers park in our street. Some nearby homes do not have off street parking so with more parking to occur it makes the parking and traffic congestion increased further.
5. We have objected to other projects only to try to protect what the residents feel is a special pocket remaining in Hampton we are fortunate to reside in, many chose this street because of its **architectural style of the period homes** and wish to keep it that way. We do not want this project to proceed and possibly set a precedent for future development.

## **5. Mr Terry Moloney (O)**

To the Bayside City Council:

Objection to The Grant of Planning Permit 5/2020/653/1

15 Apartment Proposal at 78 – 80 Orlando Street Hampton

I am a long time resident of Orlando Street and I wish to object to the proposed development at 78 – 80 Orlando Street on the following grounds:

### **TRAFFIC/CAR PARKING/NOISE**

The 15 apartments would add to the already congested street parking and traffic issues created by current insufficient resident parking, the beach road traffic, the users of the beach and the railway all parking in the street. The street is narrow and busy. The parking in the proposal will not be adequate for the number of apartments planned the residents and their cars based on minimum two cars per household. It will have a significant effect on the volume of traffic in the narrow residential street. It will place added demands on the limited availability of on-street parking.

The noise created by 40 to 50 residents in the building will be excessive coming from balconies and terraces courtyards and the roof top location of the mechanical services yard.

### **NEIGHBOURHOOD CHARACTER/ARCHITECTURAL STYLE/VISUAL BULK and OVERDEVELOPMENT**

Fifteen apartments, three stories high, flat rooved with an underground basement on two small housing blocks is and excessive development on a narrow and busy street. It will create a visual bulk that does not match the nearby houses in the street (the majority of houses in the street that are period style homes with pitched rooves and soft lines) and adjacent to the development from 76 onwards is a Heritage overlay where houses of historical significance have been identified. The development will tower above immediate neighbours from 82 through to 91 Orlando Street. Its visual bulk and location on a bend in the road alignment will mean that it will overwhelm the neighbouring properties and the general streetscape. If allowed this would set a precedent for the street and other similar developments may ensue, changing the nature of a pretty and much desired street in Hampton.

### **OVERLOOKING TO NEIGHBOUR PROPERTIES FROM WINDOWS AND BALCONIES**

I am concerned of the potential for the adjacent houses, my own property included to lose their privacy as the windows on the north and south overlook back yards and living spaces of some of the properties. The majority of the windows aren't frosted and the balconies balustrades are too low enabling a person to look into peoples' private spaces. This is not acceptable.

### **INCORRECT SET BACKS**

The set backs for the development from the street are not adequate, especially on the portion that currently is No 78 Orlando Street. The proposed front fence height is also not compliant at 1.8 metres.

### **BINS**

Where are 30 bins going to be situated on bin collection day? It would mean further hold ups for local resident drivers who must sit behind the truck as it attempts to empty the bins (the street is too narrow to get past the collection truck!)

### **UNDERGROUND EXCAVATIONS**

I am also extremely concerned about the size of the underground excavations and the potential for flooding ,sink holes and the effects on the underground water table. And neighbouring

properties Sink holes have already occurred outside other developments eg Edge Cliff development and Small street.

#### INSUFFICIENT PLANTING AND TREES

there is not sufficient deep tree plantings , nor is there adequate permeable ground.

#### BLOCKING OF PUBLIC LANEWAY

Putting a gate across the public laneway is not feasible as it cuts off residents who have rear access on the Southern side of the proposed project and also shuts off the Railway substation in case of emergencies. There have been fires at the substation in the past and multiple fire trucks at the rear of properties 78/80/82 rear and up the lane way to the substation.

In summary this development does not fit into the existing streetscape. It will dominate the landscape and not honour or complement the architecture of the neighbouring properties. It is an overdevelopment of two small blocks of land just a few houses away from my own home and i urge you to reject this application

Regards

Terry Moloney

## 6. Dr Arlene Harriss-Buchan & Mr Damian Harriss (O)

Dear Mayor, Deputy Mayor and Councillors

Agenda Item Number: 4.9 - Item Name: 78-80 ORLANDO STREET, HAMPTON (2020/653/1)

Bayside City Council should not approve this poorly conceived, huge, over-development which would significantly detract from the Orlando Street neighbourhood character and diminish the amenity of the surrounding properties.

We object to the proposed development on the grounds of:

### 1. Neighbourhood character

It is a poorly designed, gross overdevelopment on a small parcel of land. The 3 storey, flat roofed proposal for 15 apartments, housing up to 70 people, will present as a big, square 'block' – at a size and scale which is completely out of context. The development has very little set-back from the street with a high fence which will utterly dominate the streetscape from any angle and is totally out of character with the rest of the neighbourhood. The surrounding houses are Edwardian or Californian bungalows, with gable or pitched roofs, immediately adjacent to the Orlando Street Heritage Precinct. New developments in the Heritage Precinct buffer zone should be sympathetic to these recognised heritage values, blend in with the existing buildings and augment the neighbourhood character. We would welcome a proposal that makes an excellent, 21<sup>st</sup> century contribution that the neighbourhood can welcome and be proud of. The proposed development does the opposite of that.

### 2. Traffic, parking and safety

The traffic and parking situation in Orlando Street is already very challenging as some of the Councillors experienced first-hand when they visited the site recently. The proposed development would significantly exacerbate the already chronic traffic problems in the relevant section of the street, which prevents on-street parking for numbers 78, 80, 81 and 83 Orlando Street. Outside this immediate area, the cars are double-parked all the time and traffic is limited to a single lane. These existing problems already manifest themselves in blockages of the street when cars are travelling in opposite directions and are invariably unable to pass and one or other vehicle is required to try to pull over to let the approaching vehicle pass.

We are happy that a diverse range of people including young children, older people and people with limited mobility live in our neighbourhood and they all have to cross this street for one reason or another. The existing, sub-optimal crossing options will be dangerously exacerbated with 23 additional cars turning in and out of the proposed development every day - an anticipated 60 – 70 additional car-based comings and goings according to the Report - and a high fence that will impede a driver's view of whatever is happening on the street as they try to pull out into a single lane of traffic with cars going in both directions. This is a significant safety issue for us.

We understand the development only *just* meets the minimum car parking requirements for the number of units proposed and there is no provision made for visitor parking or bike storage, which should surely be encouraged to reduce reliance on cars for all the obvious reasons. Further, the limited on-street parking currently available is taken up by train users during the week and beach users at the weekend, especially during the warmer months when people flock to the beach and seek to park in Orlando Street, given its proximity to Hampton Beach, and the lack of available

parking on Beach Road. We as a household already have problems when visitors or tradespeople come our house as there is no on-street parking space available for them.

We are surprised to see that the proposal puts a gate across a public laneway given the existence of a power substation at the end of it which required rapid access by emergency services when it caught fire several years ago. This strikes us as a safety matter which has been overlooked.

### **3. Social, amenity and environmental credentials**

We think that the claimed social and environmental credentials of the proposed development are mediocre, where they should be exemplary.

The construction is only 25cm lower than the maximum height for the precinct and it only *just* meets the formal car parking requirements.

It will knock down every tree on the site, including a significant one on the street, and we don't accept that 'planters' are an appropriate substitute. There is no bike storage, there is no out of apartment storage for golf clubs, surf boards etc and it doesn't accommodate wheelchairs.

We are worried about the impact the excavation of the underground car park might have on the underground streams and the potential for flooding or sink holes as has happened with other developments in the area. It seems that the 'permeable area numbers' include paved area in the calculation which is patently ridiculous. If developments such as this become the norm, they will contribute to the local urban heat island effect which is wholly undesirable in the wider context.

The waste management system seems only to meet the bare minimum requirements. We are strong supporters of Bayside's green waste collection but collecting green waste kerbside from such a huge development will further exacerbate the existing fraught traffic / congestion / noise and as far as our children crossing the road is concerned - safety issues.

Water tanks and solar power are put forward as evidence of environmental credibility but we can't see them on the plans and we don't accept these as evidence of environmental credentials that justify the size and scale of this development. We have a water tank and solar panels on our Edwardian house across the road. In this context, such claims are not evidence of environmental excellence in the proposed development.

We are concerned about increased noise from the additional 30-70 occupants and visitors across the road, people talking on mobile phones on balconies, smoking on balconies, additional traffic from people leaving and arriving home at all hours of the day and night, air conditioners and the like.

We don't accept the notion that the proposed development is a contemporary 'Hampton style' design. The proposed size, boxy shape with a big, flat roof and high fence in our immediate area are NOT consistent with any house in the locality that we are familiar with.

The proposed development is very obtrusive and is causing significant stress and anxiety to our neighbours on either side of the proposal. It would set a precedent for inappropriate development, entirely inconsistent with the existing neighbourhood character and we are concerned that these neighbours, long term residents of the area, will leave if such unfettered development proceeds, ruining the character and reputation of the Orlando Street neighbourhood along with that of the Bayside City Council for allowing it.

In short, we believe that if Council is genuinely committed to strong social and environmental standards being maintained, or preferably exceeded by local developers, approval of this project will

run counter to that goal and encourage similar sub-standard developments, and in the process diminish Council's credentials as a municipality genuinely committed to sound social and environmental construction.

We are not anti-development, we will support development that is sensitive to the local environment, complements and builds upon local character and instead of just scraping through on claims of 5\* environmental credentials, new developments should strive for 7 or 8\* and show leadership in this area. Development in Orlando Street should celebrate the area with exemplary new architecture from a social and environmental perspective and as ratepayers and as a community we think we can do better than this proposed inappropriate over-development.

We urge you to reject this application.

Your sincerely

*Arlene Harriss-Buchan and Damian Harriss*

Dr Arlene Harriss-Buchan and Damian Harriss

## **7. Mr Tony and Mrs Marg Batt (O)**

Firstly, I would like the Council to consider deferring this Agenda Item until the following planning meeting in May 2021 so the following can be corrected and perhaps re-examined for the following important reasons;

1. We have printed out the pages 405 thru 475 of the agenda related to this item and on pages 407 to 412, there are additional part comments and statements that are unable to be read and appear to be incomplete parts of this agenda item. This means those reading this report are uncertain as to the completeness of this report and whether this additional part information is relevant or not. Even if it is not relevant, the report is misleading.
2. On page 418 of the report, the subject site is incorrectly identified on the Built Form Precinct Map and is shown at around 52 Orlando and on the intersection of Orlando St and Railway parade and not at 78-80 Orlando Street. This again is misleading information.
3. The planning officer has not reviewed the permeability calculation even though I raised this as a significant non-compliant issue in my objection to planning officers. The applicants have included non-porous paving as permeable surface, and this must have been accepted by the Planning Officers even though my calculation taking this into account suggests less than 18% permeability compared with the applicants claimed 23.5%.

Our Objection Submission follows;

As background, my wife and I have been residents in Orlando Street at No 58 for around thirty years and have happily seen the street revitalise with new buildings, renovations and be occupied by new residents. We do note that there are a significant number of long-term residents due to its great location and appeal.

We would also like to advise that many of the Orlando Street residents have had discussions with the Architect and developer representatives and options were discussed and put forward by the Architect including the reduction in a number of units to make the application become fully compliant in setbacks and parking and other areas. The planning officer/s however it seems have not been able to insist on or negotiate these more favourable outcomes to deliver a compliant proposal that may be acceptable to residents and would then deserve the endorsement of Council planning officers.

A large portion of the street has a Heritage overlay on it and this has both benefits and drawbacks. The benefits are that the street has some protection to its neighbourhood character, streetscapes and heritage around development. The drawbacks are that we are restricted in the way we can develop the land and properties in the way that we may like and we are also not able to take advantage of selling to developers with significant gain as others have done in the MAC area.

We highlight below the many areas of non-compliance and concern to the residents of Orlando Street and the greater Bayside community with this 15-apartment three storey development in this sensitive Heritage street noting the following in the planning officers report, Ratio Planning Report and the other submitted documents;

1. This proposal represents another over development of two regular sized residential blocks and fails to comply with the design objectives of the Bayside Planning Scheme DDO12 and particularly with respect to neighbourly character. The Council Policy requiring transitions, character and streetscapes respecting heritage is not followed especially when they consider that a building 3.8metres away from a Heritage Precinct does not matter or need to be considered with neighbourhood character and amenity. The planned development would dominate and overwhelm the heritage places to the south and the building facades and the look is not compatible with the neighbourhood and would be changing and not “responding to existing or emerging character” or “respecting” as suggested by Ratio for this particular area of Hampton.
2. The setbacks on the west and east are non-compliant yet are dismissed with no real justifiable reasons and these setbacks are;
  - a. on the west (street) side, the setback on average should be 6.25 metres yet at its closest, the setback is only 2.7 metres over two levels which is way closer than any nearby building in Orlando Street and certainly not typical and should not be allowable and will dominate the street. The Planning officer and Ratio report suggests this is common along Orlando Street and this is not so.
  - b. on the east (Victrack) side, at the rear of the property the setback should be 1.7 metres at first floor (which it complies with) and 4.3 metres at 2<sup>nd</sup> floor (which it does not comply with) and the submission is at 1.8 metres. This is not acceptable so any future resident of the Victrack land will be looking at a virtual three storey vertical wall. The Victrack land will more than likely be sold off as residential in years to come with Victrack having a track record of selling off this surplus land for residential housing. This vertical wall can also be seen by the residents at 76, 74 and 72 Orlando St residents from their laneway view as do the Willis St residents across the rail line.
3. The architectural drawings show a fence and gate across the laneway which is totally unacceptable as the laneway provides vehicular access to the rear of No 76, 74 and 72 Orlando Street properties plus maintenance access to the Victrack substation and property as well as the rail track maintenance and any future residential access to the Victrack land.
4. Vehicular access to and from the property is from Orlando Street at an angle and close to a sharp bend in the street. The property will have at least 60 movements per day which would present a significant danger as there will be restricted views for the driver in entering the street as they will not be able to see oncoming pedestrians or vehicles with the angled street, trees and new high fences and parked cars. Orlando street is very busy now at morning and afternoon peaks and will only get busier when the whole Railway carpark is moved to this side with the Willis Street development in the near future. In their analysis, the Bayside Traffic officers have not taken these factors into account and recognise these dangers and the fact that there is not current adequate street capacity which will be worsened when the railway parking is relocated.
5. The parking assessment has suggested there are compliance issues with some of the carparks and some would require a carpark to be vacant around it to be used or a small vehicle to only use the park so that that it is accessible. This needs to be made fully compliant or the impacted carparks removed from the count and use.

6. The permeability calculation is not shown on the drawings and in my rough measurements, is only around 210sqm (less than 18%) which is non-compliant as I have excluded all of the non-porous bluestone paving as permeable land whilst the architect's calculations suggest it is 276sqm (23.47%). The planning officer has failed to prove that this calculation is accurate and compliant as it seems to have used the entrance paths and all of the paving and perhaps the ramp as garden area.
7. The front fence has been submitted at 1.8 metres high, this is non-compliant and contributes to the safety concerns with the exiting vehicles siting of pedestrians and vehicles and to be in keeping with the remainder of the street.
8. The Ratio report also states that the proposal will **not** have an unreasonable impact of existing services and replacing two houses with perhaps 8 occupants, 4 x toilets and 40 to 50 % permeability with a 15 unit development containing 35 bedrooms and perhaps a similar No of 35+ residents and 28 WC's and my estimate of 18% permeability, no gas services and reliance on high electricity suggests otherwise. This development will put a significant strain on the sewer, water, stormwater and power services within the street if allowed and a review as to whether the existing services can support it needs to be carried out.
9. The planning officers does not address and the Ratio report also states that there are no significant sources of noise associated with this proposal. I would suggest that there will be significant noise from and including;
  - a. Airconditioning condensers likely to be located on the roof or on the balconies (not shown)
  - b. Carpark and toilet and kitchen exhaust fans that could run all hours of the day
  - c. Lift machine room noises
  - d. Use of the green waste transport vehicle to transport bins to the street
  - e. Social activities on balconies overlooking the residents on the north and south sides
  - f. Vehicular traffic – 60 movements per day
10. The BESS sustainability report is incomplete and does not provide any significant substantiation for the claimed scoring. They have only allowed a 10kL recycled water tank and a small 2kW solar system which is only a token consideration for the size of this 2 x block, 15 unit development.
11. The Tree assessment report on No 80 Orlando suggests that tree No 1 which is a Council Buxton Gum tree must be removed. This is a council and resident asset and should not be removed at the request of the developer. The tree may be of poor shape due to powerline pruning but it is still an asset and your tree arborist should examine it and replace it with a tree in the same location at Council timing if needed, not at the requirement of a development proposal.

In summary, this proposal would not be anywhere near the size and bulk if it followed the requirements for setbacks, permeability, fitting in with the streetscape and heritage requirement, provided compliant parking and provided with a safe means of vehicles egressing the site.

We therefore urge the Council to review this thoroughly and reject this application.

Marg and Tony Batt

## **8. Mr John Dulfer (O)**

I strongly urge all of the Councilors to reject this application. The proposed development is completely inappropriate to the location, will create a traffic hazard, is a gross overdevelopment of the site and provides insufficient parking for the proposed number of residents. Further, I believe that the computer generated pictures of the development are misleading and are not representative of what would be seen by an average adult person standing in Orlando St looking at the proposed development.

## **9. Mr Craig Cartwright (O)**

The proposed development is totally inappropriate for the area proposed. It is a massive overdevelopment of this heritage street and not in keeping with the current character of the site. It is also located on a bend in the street so any chance of adding further cars looking for a parking spot on the only side available for non-permitted parking will be dangerous and will add to problems collecting bins.

## **10. Ms Melissa Lovejoy (O)**

I would like to object to this application on the basis of insufficient setbacks, excessive bulk and overlooking, together with issues relating to pedestrian safety, waste management, floodplain management and the front fencing make the proposal highly non-compliant with the Bayside Planning Scheme.

## 11. Mrs Shirley Walker (O)

OBJECTION TO 78 AND 80 ORLANDO STREET, HAMPTON APPLICATION NO. 5/2020/653/1

### 1. Design

The proposed application is the antithesis of good urban design principles. From an urban design perspective it is impossible to locate a more inappropriate site in Hampton for such a development.

The application creates issues arising from a building that is too big for this land with setbacks on the east and south boundaries being waived. It presents as a desperate attempt to 'fit the build onto the block' therefore seeking too much from this site.

The proposed development abuts and is proximate to a heritage precinct. It makes no attempt to make a positive contribution to the much valued character of streetscape and has **net benefit to the community.**

### 2. Traffic

From a geographical point of view it would be hard to think of a more unsuitable site in Hampton for such a development. The proposed development **makes no contribution to a safe street**, rather it detracts from it.

Orlando Street has two dog leg bends approximately 50m apart therefore obscuring oncoming traffic, pedestrians and cyclists.

The road is deceptive in that the width narrows from No. 90 which is the northern bend to No 78 the site of the proposed development. It then widens out to Small Street.

Therefore this particular stretch of road is already deceptive and dangerous.

**In more recent year cars have been side-swiped, one completely written off, in this narrow section when motorists fail to calculate sharp corners and the narrowing of road width.**

For such a development to even be considered in such a location lacks adherence to good urban planning principles, foresight and ultimately will present a danger to drivers and pedestrians alike.

### 3. Storm Water

Serious questions need to be addressed with internal and external water flow and future developments in the immediate area.

Most of Orlando Street properties are on or are to be added to the Special Building Overlay. The run off from the yet to be built development on DDH and VicTrack land flows down behind Orlando Street houses on the railway line side to a storm water drain outside No. 86 Orlando Street flowing into the Storm Water pit on Hampton Beach.

The recently upgraded Storm Water pit on Hampton Beach has already overloaded on several occasions in the past few months. It is evident that it has already exhausted its capacity to deal with subsequent runoff after heavy downpours.

The rampant development that has already occurred in Hampton over the past few years and the massive 'cruise ship' development yet to be built invites excessive storm water spillage onto Hampton Beach, effectively polluting the beach and the water.

For the above reasons outlined above I object to the proposed development at 78 and 80 Orlando Street in its current form.

## **12. Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association) (O)**

### **Bayside Planning and Amenity Meeting 13 April 2021**

#### **Item 4.9**

#### **78-80 ORLANDO STREET, HAMPTON NOTICE OF DECISION TO GRANT A PERMIT APPLICATION: 2020/653/1**

#### **Objection Submission on behalf of Hampton Neighbourhood Association**

Hampton Neighbourhood Association considers that the application for a permit for this 15-apartment three storey development in a sensitive Heritage street should be rejected by council for the following reasons:

1. This proposal represents another over development of two regular sized residential blocks and fails to comply with the design objectives of the Bayside Planning Scheme DDO12 and in particular to neighbourhood character. The Council Policy requiring transitions, character and streetscapes respecting heritage is not being followed especially when they consider that a building 3.8metres away from a Heritage Precinct does not matter or need to be considered with neighbourhood character and amenity. The planned development would dominate and overwhelm the heritage places to the south and the building facades and the look is not compatible with the neighbourhood and would be changing and not “responding to existing or emerging character” or “respecting” as suggested by Ratio for this particular area of Hampton.
2. The setbacks on the west and east are non-compliant.
3. The architectural drawings show a fence and gate across the laneway which is totally unacceptable as the laneway provides vehicular access to the rear of No 76, 74 and 72 Orlando Street properties plus maintenance access to the Victrack substation and property as well as the rail track maintenance and any future residential access to the Victrack land.
4. Vehicular access to and from the property is from Orlando Street at an angle and close to a sharp bend in the street. The property will have at least 60 movements per day which would present a significant danger as there will be restricted views for the driver in entering the street as they will not be able to see oncoming pedestrians or vehicles with the angled street, trees and new high fences and parked cars.
5. The parking assessment has suggested there are compliance issues with some of the carparks and some would require a carpark to be vacant around it to be used or a small vehicle to only use the park so that that it is accessible. This needs to be made fully compliant or the impacted carparks removed from the count and use.

6. The permeability calculation is not shown on the drawings and is only around 210sqm (less than 18%) which is non-compliant assuming exclusion of the non-porous bluestone paving as permeable land whilst the architect's calculations suggest it is 276sqm (23.47%). The planning officer has failed to prove that this calculation is accurate and compliant as it seems to have used the entrance paths and all of the paving and perhaps the ramp as garden area.
7. The front fence has been submitted at 1.8 metres high, this is non-compliant and contributes to the safety concerns with the exiting vehicles siting of pedestrians and vehicles and to be in keeping with the remainder of the street.
8. The Tree assessment report on No 80 Orlando suggests that tree No 1 which is a Council Buxton Gum tree must be removed. This is a council and resident asset and should not be removed at the request of the developer. The tree may be of poor shape due to powerline pruning but it is still an asset and your tree arborist should examine it and replace it with a tree in the same location at Council timing if needed, not at the requirement of a development proposal.

In conclusion, Hampton Neighbourhood Association urge the Council to review this application thoroughly and reject the application, as this proposal would not be anywhere near the size and bulk if it followed the requirements for setbacks, permeability, fitting in with the streetscape and heritage requirement, provided compliant parking and provided with a safe means of vehicles egressing the site.

Many thanks



### **13. Mrs Cherry Thompson (O)**

I object to this project

1. Structure is 3 storey high - 15 units
  2. The overall bulk is too high and too much coverage of normal residential blocks of land.
  3. Development fails to consider the identified heritage qualities of adjoining buildings and those opposite such as ours
  4. Our neighbours and ourselves would be impacted either visually and/or by compromising our privacy
  5. Does not integrate with the current homes, architecture or streetscape
  6. Create increased traffic and people noise
  7. Exacerbate existing parking issues. Commuter parking sees Orlando St full from 8am (during non COVID times) on weekdays and during weekends with beach visitors
  8. The shadows cast by the structure are long and extend more than halfway across Orlando street
  9. Could potentially become Airbnb's
  10. Changes the outlook and will leave a lasting scar on the street changing our neighbourhood forever
  11. Overall, it will set a precedence for future development opportunities in Orlando Street.
- What a terrible shame  
If that happens.

## 14. Mr Nicholas Pavlou (O)

I have lived at 82 Orlando Street for my entire life. I strongly oppose what I believe to be a complete overdevelopment of the two small blocks of land. The reasons for my objection are detailed below

However I also find it extremely interesting that in October 2020 a proposed development of 8 apartments on 78 Orland Street (one of the two blocks of land in this new submission) was overwhelmingly declined by council. Now this application seeks approval for 15 apartments on 2 blocks. This simply to me is that this new submission should be declined as all this appears to be is the same as the previous submission but now twice as big?

### OVERDEVELOPMENT/BULK ON SMALL LAND

- We believe this proposal is another significant over development of two small, regular sized residential blocks of land. It will cause the area to be crowded and the visual bulk will be not in keeping with the streetscape. 3 storeys high is a complete over-development on land less than of 1176 square metres.
- This planned development would dominate and overwhelm the heritage and period style homes in the immediate vicinity and does not fit in with the neighbourhood character of Orlando St
- The sheer sizer of this development will have unsightly and dominating visual bulk completely out of context with the area

### PRIVACY AND OVERLOOKING TO HABITABLE SPACES AND BACK YARD FROM BALCONIES AND WINDOWS ON THE NORTHERN SIDE

- Overlooking into my property and personal spaces especially from the various balconies with balustrades of 1.050 metres. Any person standing at could see over. Also there are windows with no obscuring that will enable viewing in to our back yard and living spaces. There should be NO ABILITY to look into our private spaces. I also do not want to see people standing on their balconies or moving about in their bedrooms and living rooms from my property
- we have a family room at the rear of my house that is made up of the kitchen/ meals/ family space. There are windows that will be able to be looked into from the second and third storey apartment windows and balconies
- Our swimming pool and back yard will not be protected from overlooking. How is that even allowed? Where is my family's right to privacy and no overlooking

### CAR PARKING/TRAFFIC ISSUES/ADDITIONAL NOISE

- Car parking is not adequate and increased traffic problems. The ABS presents statistics that show Australian's own 607 cars per 1000 head of population. Further data indicates 51% of households in Australian have access to 2 or more motor vehicles. If we apply these factual statistics this development would require at least 30 plus car spaces allocated in the proposal. Potentially many more cars if each property has more than the average 2.5 person living there! How would at least 23 cars manage to enter and exit one driveway? What sort of noise would be created by the multiple opening and closing of the gate entry to the underground car park? (Located close to my bedroom at the front of my house?)
- Furthermore, the additional traffic and car parking that would be caused by guests visiting the apartments will indisputably cause traffic and parking congestion in an already stretched street and area. There is a no parking area immediately out the front of 78, 80 and 81 and 83 Orlando Street as this is deemed a dangerous bend in the road.

### ISSUES WITH UNDERGROUND CAR PARK

- The large underground car park which takes up most of the property is also a concern. The excavation for huge basement for most of the width of the block, boundary to boundary will undermine our pool which is situated close to the north boundary of our property and potentially undermine our house. We are concerned that our house and pool may subside due to the nature of the sandy soil in the area.

- Disruption caused by huge underground excavation could divert water onto my property. There could also potentially be issues with sink holes and flooding such as happened near the Edgecliff Development and in Small Street.

#### SET BACKS AND PUBLIC LANEWAY

- The set backs of the proposal are not adequate. The current set backs of the three properties 82/80/78 terrace back from north to south is shown in a picture below. The portion of the development at 78 Orlando is set too close to the street.
- Also the proposal has a gate across a public lane way. This publicly owned property is shared access with 78,76, 74 and 72 Orlando Street. Also VICTRACK require access to their power substation. In recent years there was a fire at the substation how would access by the fire department be given if it is gated?

#### ENVIRONMENTAL/NOISE CONCERNS

With an overdevelopment of this size we raise major environmental concerns which include:

- The amount of rubbish generated by potentially 70 people
- The 15 x electrical appliances that will be running, ie air conditioners, hot water services, lighting and the location on the roof top of the building in a service yard and the noise that it will produce for my family and the neighbouring properties
- The noise potential from yards and balconies of the various apartments

#### PLACEMENT OF THE DRIVEWAY TO UNDERGROUND CAR PARK AND OTHER CONCERNS

- There is a proposed driveway with a potentially noisy gate, right next to 2 bedrooms in our house. This will create traffic and gate noise at any time of the day or night. This should be moved to the other side of the proposed development.
- The plans do not show the power poles on the nature strip of 78 and 80? What is to happen to these?

In summary the massive 'overdevelopment' of this property will cause disruption, noise, privacy and overlooking issues and significant increased traffic and parking. With 35 bedrooms across the 15 apartments there could be anywhere between 35 and 70 people living in the one building. It is an undeniable fact that this is significant overcrowding, bringing with it several problems for this location.

I urge you to completely reject this application.

Yours Sincerely  
Nicholas Pavlou

## 15. Mr Paul Pavlou (O)

My family and I have lived at 82 Orlando Street for over 25 years (my youngest son has lived nowhere else) and we have a strong connection to the Hampton Community. I vehemently oppose to what I believe to be a complete overdevelopment of the two small blocks of land.

The developers of this property do not live in Orlando Street, and have absolutely no connection with the street or local community. They are purely in this on a commercial basis and add no value to our community.

I consider this to be a massive over development and my objection (which was submitted in detail as per the required council planning and objection process) is summarised as follows:

1. This proposal represents another significant over development of two small, regular sized residential blocks and fails to comply with any design objectives with respect to neighbourly character.
2. The planned development would dominate and overwhelm the heritage and period style homes in the immediate vicinity
3. The sheer size of this development will have unsightly and dominating visual bulk completely out of context with the area
4. There are significant overlooking issues to our property and are not appropriate or acceptable
5. The Driveway access to the underground carpark will have a minimum of 60 traffic movements per day (I believe this to be grossly understated. The driveway location of the proposed development is next to 3 bedrooms in our home. The noise that would be created will be distressing and xxx w Traffic and Vehicular access to and from the property
6. Street parking will be a major problem in a street that already struggles to cope.
7. 30 more rubbish & recycle bins This means **more** noise and there will likely be no space for all these bins on the nature strip
8. I believe this proposal is another significant over development of two small, regular sized residential blocks of land. The total land area of the development site is listed at 1176m<sup>2</sup>. The proposed building of 15 apartments 7 x 3 bedroom, 6 x 2 bedroom and 2 x 1 bedroom is a significant over development, crowded and the visual bulk will be not in keeping with the streetscape. 3 storeys high is a complete over-development on land less than of 1176 square metres.
9. This planned development would dominate and overwhelm the heritage and period style homes in the immediate vicinity and does not fit in with the neighbourhood character of Orlando St

## **16. Mr Keith Thompson (O)**

Further to my objection reference number 62995 I would point out the key concerns I have:

This will destroy the Orlando Street neighbourhood in a number of ways

- Adjoining a Heritage area
- 3 Stories flat roof
- Does not blend in with surrounding buildings or streetscape
- Will dwarf number 80 and other surrounding houses
- Overshadowing
- Exacerbate existing parking problems

If this type of development goes ahead it will create an unsavoury precedent in our street.

The proposal also does not satisfy a number of planning issues and where it does - only meets the minimum standards.

Whilst unfortunately it may be too late for the Service and Crisp Street developments, Council has an opportunity to stop this and ensure a more sympathetic development to our neighbourhood is proposed.

## **17. Mr John & Mrs Margaret Balmer (O)**

**Bayside City Council - Planning and Amenity Delegated Committee Meeting - 13 April 2021**

**Item No. 4.9 78-80 ORLANDO STREET, HAMPTON**

**Application No.: 2020/653/1**

**Written Submission in support of Objection lodged by Margaret Balmer 16 February 2021**

We refer to the previous detailed submission and rely on the 15 reasons for objection referred to therein.

In addition we make the following comments on the application and Report and Recommendation put to the Committee, in opposition to the grant of a permit:

1. The subject site defined in the Legend on page 418 is wrongly placed and in fact indicates our property at No. 52 Orlando Street as the proposed development site, which is misleading for objectors.
2. The Report is clearly incomplete from pages 418 - 419 and accordingly Consideration 6.2 does not make sense and is not capable of response by objectors.

For those two reasons alone, the current application should be deferred to avoid prejudice to objectors' positions.

3. Council's previous Refusal to grant a permit for construction of an apartment building on the 78 Orlando Street site dated 13 October 2020 (Application No. 5/2020/107/1) is subject of a VCAT Review brought by the Applicant.

Obviously both proposals cannot be constructed and the Applicant should be required to elect which development it intends to proceed with in order to avoid further abuse of Council's resources and objectors' time responding to the two proposals on foot.

4. As indicated in the report, a required Cultural Heritage Management Plan has not been submitted by the Applicant, and its absence prohibits the granting of a planning permit.

Therefore again, the current application before Council should be deferred pending the outcome of the pre-existing VCAT application and provision of the Plan under the Aboriginal Heritage Act.

5. Otherwise we submit that all the Objectors' concerns listed on pages 406 and 407 of the report are relevant and unresolved by the Considerations.

6. Two permit applications have been recently refused relating to the subject lots:

No. 78 - Application No. 5/2020/107/1 - Refused 13 October 2020.

No. 80 - Application No. 5/2018/368/1 - Refused 27 December 2018.

Both proposals were refused having regard to the objectives of Clause 22.06 (Neighbourhood Character Policy) on grounds that they failed to respond to the existing and

preferred neighbourhood character for the precinct, failed to contribute to the valued character of the precinct and failed to ensure that new buildings do not dominate the streetscape.

The same principles and grounds apply to this application and it is very important for the local community that consistent decisions are made in attempting to preserve the character of the street and heritage precinct.

7. If granted, this would be the first multi-apartment development permitted in Orlando Street and would change the established character of the precinct forever.

8. The site adjoins the Orlando Street Heritage Precinct and is on the boundary of the Hampton Street Major Activity Centre, with both issues demanding positive response to the existing and preferred neighbourhood character.

9. The proposal does not provide adequate transition to the surrounding residential area, incorporating the heritage precinct.

10. The proposed development does nothing to conserve and enhance the valued urban character and heritage place that historically exists in Orlando Street.

11. The report suggests that the proposal is fully compliant with required setbacks, but with non-compliant exceptions. Clearly that is an oxymoron that fails to give proper consideration to impact of the building on surrounding residential land.

Accordingly we submit that the application should be Refused, or at least deferred pending withdrawal or determination of the Applicant's VCAT Review for No. 78, and rectification of defects in the subject report and recommendation.

John & Marg Balmer

## **18. Mrs Irma Crombie (O)**

My main objection is the height and bulk of this 3 storey building. The overshadowing and overlooking will invade the privacy of the neighbouring single storey house. I am concerned the top front units will look into my private and only garden space. 15 dwellings on a site just over 1000 sqm is just too much.

Although 23 car spaces are planned, can you be sure that there will be only one or two cars per dwelling. Orlando Street is quite narrow, busy and extremely difficult to park. The car park exit is just past the curve in the road and this will probably lead to some spectacular crashes.

Altogether 15 dwellings on this site seems a thoroughly stupid plan. It is gross over-development and has no respect to the neighbourhood character and streetscape.

Irma Crombie

## **19. Mr Gordon Addison (O)**

My name is Gordon Addison, I am a 19 year old university student. I live at 76 Orlando Street with my parents. My bedroom is on the first floor above the laneway and would be directly opposite the balconies and courtyards on the southern side of the proposed development.

I feel that 15 units will definitely introduce a lot of noise and the 4 balconies on the southern side will invade my privacy. I will need to keep my blinds permanently drawn to avoid being looked in on. My 15 year old sister also has a bedroom on the laneway side of our house and feels the same way.

As a learner driver it is already stressful and difficult to park near my home. Our house only has one off-street parking spot and my parents are prevented from building additional off-street parking as 76 is in the heritage overlay. This proposal will add a lot of extra cars and traffic to the street.

Gordon Addison

## **20. Mr Angus Addison (O)**

As owners of 76 Orlando Street, immediately next door to the site we strongly object to the development at 78-80 Orlando Street. We have been living at this location for 17 years and we were originally attracted by the village-like feel of the street, the friendliness and community spirit of the neighbourhood and the quiet family friendly aspect.

### **Compliance**

The proposal is not compliant on the following grounds

- Setbacks, west (front) and east (rear)
- Front fence is 1.8m and should not exceed 1.5m
- Permeability, calculation not explained, includes hard paving.
- Vehicle access, site lines and internal parking dimensions resulting in unusable parking spaces.
- Storm water is only allocated at 10000L, should be 12000L.
- Private open space for units 5 and 7 do not comply.
- Apartment 1, main bedroom is too small and does not comply.

### **Neighbourhood character & Heritage**

This proposal of 15, 1,2 and 3 bedroom units on a site approximately 1176 square metres will change the whole feel of Orlando Street and is an extreme example of over-development.

Our house is within the Heritage Overlay, something we hoped would help to preserve the character and ambiance of the street.

The proposal is in stark contrast to the existing weatherboard houses to the north and the houses in the Heritage Overlay which it directly abuts to the south. It detracts from the established neighbourhood character of Orlando St and the surrounding residential area.

The architectural style of this development does not reference the surrounding dwellings.

The streetscape response to Orlando St is a poor response that is inconsistent with character of the area.

The size and scale and visual bulk of the development is out of context with the established residential pattern found in this location, mostly weatherboard homes to the north and Heritage Overlay from lane-way to the south. There is no other development in Orlando Street of this scale on such a small land parcel.

This proposal sets a dangerous precedent for the remaining pockets of heritage within Bayside. It challenges the concept of why council bothers with Heritage Overlays if developers are allowed to build large scale multi-dwelling apartments immediately adjacent to heritage properties.

### **Noise**

We will be directly affected by the courtyards and balconies on the southern side of the proposed building and any social or recreational activities of the residents.

This will introduce noise in the laneway immediately outside our habitable living spaces where 2 children's bedrooms and a living room are located. The southern side balconies (ap 10, 11, 14 and 15) are directly level and across from our childrens bedrooms.

15 apartments will introduce significant noise from

- Air conditioners
- Exhaust fans from carpark, kitchen and toilet
- Lift mechanism
- Vehicular traffic using the driveway

### **Privacy**

Our only private garden is positioned on the side of the house that abuts the laneway and the development. Windows on the first and second storeys look directly into our private garden space. It is hard to see how we would not be overlooked with this multi-dwelling 3 storey building looming over the fence.

Our pool area at the rear of our property is in direct line of sight of the rear balcony of the development. Whilst the distance exceeds 9 metres pool bathers will still be plainly visible from the balcony which is deeply concerning.

We are also deeply concerned that there has been no extra screening added considering that childrens bedrooms are in direct sight from these balconies.

We believe that the lack of consultation with the surrounding residents who are directly affected is inconsiderate. The developer could make this project much more acceptable to the existing residents of Orlando Street. Their approach has clearly proven that they prioritise profit over a sympathetic build.

### **Traffic & Parking**

There are significant traffic and parking impacts associated with the scale of the proposal being introduced to this busy location. The site is on a dangerous bend with no street parking available in front of 78, 80 and 81. Beach parking in summer and commuter parking during the week sees Orlando St full from between 7:30/8am. The development only provides the minimum required parking bays for the number and size of the units with no allowance for visitors and one unusable space. Many residents will likely exceed the number of allotted spaces and the resulting demand for extra parking in the street will be significant.

Traffic in the evening peak hour is extremely high, on many days hundreds of cars travelling south on Beach Rd speed through Orlando Street down to Small St. This has resulted in a number of accidents and incidents. The proposal will increase the likelihood of future accidents and potentially a fatality.

The crossover exiting the development is on a poor visibility corner and is difficult to see traffic to the southern side of Orlando Street, this is extremely dangerous and with more vehicles making use of the driveway it is an accident waiting to happen.

### **Gate in Laneway**

The submitted plans refer to the laneway as a track, this implies pedestrians only. The plans include a gate in the laneway. A gate would prevent access to the electricity substation where utility

vehicles frequently come at all hours of the day/night. VicTrack also use the laneway to maintain the railway line.

A gate would block the driveways of 78R (owned by VicTrack) and also 74 and 72 which have rear vehicular accesses. It would also block access to our pool equipment at the rear of 76.

For the past 16 years we have maintained the vegetation and lawn on the south side of the laneway next to our fence. Keeping weeds down and removing dead vegetation which is a fire hazard in summer months. A gate would prevent us from carrying out this maintenance.

### **Waste and recycling**

There will be 5 organic waste bins which will be picked up by council from the street. The frontage is narrow and bins cannot block the driveway or the laneway. This will require the bins to be placed directly on the bend which is a dangerous situation for the waste removal vehicle and other traffic. Recycling and garbage is handled by a private contractor with pickup from within the basement. This should be the same arrangement for the organic waste.

### **Conclusion**

We strongly oppose this gross over-development. This development will dominate and overwhelm the heritage places and is not compatible with the neighbourhood. We realise that development is inevitable but surely 15 units is way too many.

We therefore urge the council to review this thoroughly and reject this application.

Angus Addison

## **21. Mrs Michelle Addison (O)**

As owners of 76 Orlando Street, immediately next door to the site we strongly object to the development at 78-80 Orlando Street. We have been living at this location for 17 years and we were originally attracted by the village-like feel of the street, the friendliness and community spirit of the neighbourhood and the quiet family friendly aspect.

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This proposal of 15, 1,2 and 3 bedroom units on a site approximately 1176 square metres will change the whole feel of Orlando Street and is an extreme example of over-development.

Our house is within the Heritage Overlay, something we hoped would help to preserve the character and ambiance of the street.

The proposal is in stark contrast to the existing weatherboard houses to the north and the houses in the Heritage Overlay which it directly abuts to the south. It detracts from the established neighbourhood character of Orlando St and the surrounding residential area.

The architectural style of this development does not reference the surrounding dwellings.

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We are also deeply concerned that there has been no extra screening added considering that childrens bedrooms are in direct sight from these balconies.

We believe that the lack of consultation with the surrounding residents who are directly affected is inconsiderate. The developer could make this project much more acceptable to the existing residents of Orlando Street. Their approach has clearly proven that they prioritise profit over a sympathetic build.

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Traffic in the evening peak hour is extremely high, on many days hundreds of cars travelling south on Beach Rd speed through Orlando Street down to Small St. This has resulted in a number of accidents and incidents. The proposal will increase the likelihood of future accidents and potentially a fatality.

The crossover exiting the development is on a poor visibility corner and is difficult to see traffic to the southern side of Orlando Street, this is extremely dangerous and with more vehicles making use of the driveway it is an accident waiting to happen.

### **Gate in Laneway**

The submitted plans refer to the laneway as a track, this implies pedestrians only. The plans include a gate in the laneway. A gate would prevent access to the electricity substation where utility

vehicles frequently come at all hours of the day/night. VicTrack also use the laneway to maintain the railway line.

A gate would block the driveways of 78R (owned by VicTrack) and also 74 and 72 which have rear vehicular accesses. It would also block access to our pool equipment at the rear of 76.

For the past 16 years we have maintained the vegetation and lawn on the south side of the laneway next to our fence. Keeping weeds down and removing dead vegetation which is a fire hazard in summer months. A gate would prevent us from carrying out this maintenance.

### **Waste and recycling**

There will be 5 organic waste bins which will be picked up by council from the street. The frontage is narrow and bins cannot block the driveway or the laneway. This will require the bins to be placed directly on the bend which is a dangerous situation for the waste removal vehicle and other traffic. Recycling and garbage is handled by a private contractor with pickup from within the basement. This should be the same arrangement for the organic waste.

### **Conclusion**

We strongly oppose this gross over-development. This development will dominate and overwhelm the heritage places and is not compatible with the neighbourhood. We realise that development is inevitable but surely 15 units is way too many.

We therefore urge the council to review this thoroughly and reject this application.

Michelle Addison

## 22. Mr Josh Pavlou (O)

**Traffic:** The proposal does not provide an appropriate traffic and car parking response to the site conditions. It is important to note that Orlando Street accommodates only a single lane of traffic. This development will add over “60 vehicle movements per day” (MGA report page 9). It just meets the minimum car parking requirements for the number of units being constructed. The one unallocated park provided will only accommodate a small vehicle. Inappropriately no onsite visitor parking is provided and astoundingly no Bike storage is proposed.

**Urban Design:** The proposal fails to respond to the existing and preferred neighbourhood character for the precinct. The proposal adjoins the Orlando Street Heritage Precinct. It is within the buffer to the precinct. It is not consistent with or sympathetic to the Heritage Precinct. The development fails to ensure that its new buildings do not dominate the streetscape. The proposal does not add to the valued character of the Orlando Street precinct. Its visual bulk and location on a bend in the road alignment will mean that it will overwhelm the neighbouring properties and the general streetscape. The developments flat roof does not fit with the neighbouring properties that have gable or pitched roofs. The building is only 0.25m lower than the maximum height for the precinct of 11m. It is a large square box, which directly conflicts with the adjoining properties. Its 1.8m high front fence is excessive and out of character with the neighbouring properties and the overall streetscape. The applicants Planning Report from Ratio states that “Orlando Street displays a high level of integrity and cohesion in scale and materials, mostly evidence in the modest weatherboard Edwardian cottages and inter-war bungalows. The precinct has a distinct impact on the character of the area where architectural features of this era are common” (pg12). This development directly conflicts against these characteristics noted by their consultants. The Ratio Planning Report also references properties that do not neighbour the site to justify its architectural style. It states, “the development seeks to adopt a contemporary ‘Hampton style’ design response which incorporates building forms and materials consistent with the established character of the area.” To justify these statements the Ratio report references contemporary developments at properties in Grenville Street, which are across the railway line and also some at the northern end of Orlando Street (where the road runs east to west), which is in a different zone (NRZ3) to the proposed site.

**Landscape Design:** The landscaping of the proposed development is inappropriate as the Garden area with a permeable surface, is insufficient at 10.6% of the site area (126m<sup>2</sup>/1191m<sup>2</sup>). Note that clause 32.08-4 of the State Planning Policy Framework requires a minimum of 35% ‘garden area’ at ground level for lots larger than 600m<sup>2</sup>. It is concerning that only a small number of deep planting areas are provided to support any substantial trees in the proposed design. The development will have a large green-house contribution, as there is a significant amount of site coverage with non-permeable surfaces, which will greatly add to the urban heat island effect. The development proposal requires all existing trees to be removed from the site.

**Waste Management:** The proposed waste management strategy is inadequate, as the green waste has to be collected from the kerb-side in Orlando Street. This will further increase the traffic in Orlando Street and it will cause congestion when the trucks visit and wait to empty the bins. Furthermore, when the bins are out in the street for collection, they will create additional demands on the availability of on-street parking.

**Planning:** The proposed development fails to address the following specific clauses of the State Planning Policy Framework. 15.01-2S, which states “Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment while enhancing the function and amenity of the public realm” The scale and height of the proposed

development do not fit with the existing streetscape. The proposal does not have adequate landscaping. It will have a significant impact on the volume of traffic and the availability of on-street parking. Also, 15.01-5S, which says “Respond to the surrounding context and reinforce the sense of place and valued features and characteristics of the local environment in accordance with Clause”. The development does not reflect or respect the existing architectural style of Orlando Street, such as the building form (ie: gable roofs) or construction materials (ie: horizontal weatherboards).

Environmental Design: The proposed development will have poor environmental outcomes. It has a disappointingly low BESS score of only 59%. The proposed development is only 5-star rated. To future proof its efficiency and reduce its impact it should be at least 7 or 8-star rated. The development proposes the removal, without replacement of the large street tree in front of number 80. It is one of the most significant street trees in Orlando Street. Refer to the image below from the applicants planning report (Ratio, page 8).

Conclusion: I ask the Councillor's to refuse the application on the basis that:

1. The development does not fit into the existing streetscape. It will dominate the landscape and not honour or complement the architecture of the neighbouring properties.
2. It will have a significant effect on the volume of traffic in the narrow residential street. It will place added demands on the limited availability of on-street parking.
3. This development is not of high calibre. It just meets most of the minimum standards of the required design criteria, hence it will receive support from Council's planners as it just passes the required elements. However, I strongly advocate that Bayside Council should be encouraging exemplar projects and discouraging mediocrity.

## 23. Miss Maddison Cloke (O)

### PRIVACY AND OVERLOOKING TO HABITABLE SPACES AND BACK YARD FROM BALCONIES AND WINDOWS ON THE NORTHERN SIDE

- Overlooking into the property and personal spaces especially from the various balconies with balustrades of 1.050 metres with angled blades (that a person standing at could see over) but also windows with no obscuring that will potentially enable viewing in to 82 Orlando's back yard and main living spaces at the rear of their home.

There should be NO ABILITY to look into our private spaces either in the house at 82 Orlando st or back yard. There should be no ability to see people standing on their balconies or moving about in their bedrooms and living rooms from 82 Orlando st house or back yard (photos attached showing glass windows and doors across the rear and rear south side of the house into the main habitable areas) The balustrades of the proposal are not high enough and windows on the north that overlook should be obscured.

- 82 Orlando Street has a large room that is made up of the kitchen/ meals/ family space. There are windows that will be able to be looked into from the second and third storey apartment windows and balconies (balconies are not high enough and windows not adequately obscured with frosted glass). The owners will not feel safe and have privacy in their own home!

82 Orlando Street's pool and back yard will not be protected from overlooking.

### OVERDEVELOPMENT/BULK ON SMALL LAND

- The total land area of the development site is listed at 1176m<sup>2</sup>. The proposed building of 15 apartments 7 x 3 bedroom, 6 x 2 bedroom and 2 x 1 bedroom is a significant over development, crowded and the visual bulk will be not in keeping with the streetscape. The proposal (3 storeys high) is a complete over-development on land less than of 1176 square metres. There are no other 3 storey multiple unit developments in the Orlando Street on two joined small single house blocks. There are far too many huge apartments spread throughout the streets of Hampton already.

- The visual bulk - the size and scale of the development is out of context with the area

- The 'overdevelopment' of this property will cause disruption, noise, privacy issues and significant increased traffic and parking.

- With 35 bedrooms across the 15 apartments there could be anywhere between 35 and 70 people living in the one building. It is an undeniable fact that this is significant overcrowding, bringing with it several problems for this location.

### CAR PARKING/TRAFFIC ISSUES/ADDITIONAL NOISE

- Car parking is not adequate and increased traffic problems. The ABS presents statistics that show Australian's own 607 cars per 1000 head of population. Further data indicates 51% of households in Australia have access to 2 or more motor vehicles. If we apply these factual statistics this development would require at least 30 plus car spaces allocated in the proposal. Potentially many more cars if each property has more than the average 2.5 person living there! How would at least 23 cars manage to enter and exit one driveway? What sort of noise would be created by the multiple opening and closing of the gate entry to the underground car park?

- Furthermore, the additional traffic and car parking that would be caused by guests visiting the apartments will indisputably cause traffic and parking congestion in an already stretched street and area. When an apartment resident doesn't want to use the allocated under carpark and instead parks on the street that puts additional pressure on the already sparse street parking. Parking in Orlando Street is already sparse due to older style houses with limited off street parking, train and beach users as well as customers to the popular Small Street businesses. There is a no parking area immediately out the front of 78, 80 and 81 and 83 Orlando Street as this is deemed a dangerous bend in the road.

- Orlando Street is a narrow Street and with cars parked on both sides of the road there is only space for one car to drive along it.

#### NEIGHBOURHOOD CHARACTER, STREET SCAPE AND PROXIMITY TO HERITAGE PRECINCT

- The design is most definitely not within the overall neighbourhood character of Orlando Street. The proposal is an inappropriate response to the neighbourhood character. It is definitely not within the current streetscape and is inconsistent to the character of the area. The houses in the immediate surrounding area, as well as the majority of buildings in Orlando Street, have pitched rooves, soft lines and are weatherboard Edwardian or Californian bungalow style. Many houses in Orlando Street have Heritage Overlay.

- The nature of the building is not in keeping with the rest of the neighbourhood. 82 Orlando Street is a well maintained weatherboard Californian Bungalow. The houses directly opposite the proposal are weatherboard Edwardians and the development is next door to the heritage overlay that commences at no 76. The proposal does not have a pitched roof or tiled roof it is square in nature and flat rooved. There are no other large apartment blocks of this nature in the street in the street. The proposal is a massive contrast and not in keeping with the neighbouring houses and the street architecture.

- The size and scale of the development is out of context with the area

- With 15 apartments (35 bedrooms potential 35 – 70 people) where will the 30 council bins be housed and equally where will they be located on bin collection days?

- I am concerned that the proposed development will dwarf 82 Orlando Street and neighbouring properties, and if allowed will set a precedent in the Street. It is unsympathetic to the lovely Edwardian and Californian bungalow houses in the immediate vicinity. The majority of houses f on the street are Edwardian, Californian bungalows and houses of significance under heritage overlay. There is considerable evidence of towering overdevelopment right next door to single story houses (largely period houses on single blocks) throughout Hampton. Houses are being dominated by large multistorey developments that are visually bulky and not sympathetic to the neighbourhood character at all.

#### ISSUES WITH UNDERGROUND CAR PARK

- The large underground car park which takes up most of the property is also a concern. The excavation for huge basement for most of the width of the block, boundary to boundary will undermine our pool which is situated close to the north boundary of our property and potentially undermine our house. We are concerned that our house and pool may subside due to the nature of the sandy soil in the area.

(This already has occurred in the street at the 63/65 Orlando where a huge hole in the ground at 63 compromised the house next door at 65!)

- I am concerned about the underground streams that I understand run through the blocks in the street and various parts of Hampton. Disruption caused by huge underground excavation could divert water onto my property. There could also potentially be issues with sink holes and flooding such as happened near the Edgecliff Development and in Small street.

#### SET BACKS AND PUBLIC LANEWAY

- The set backs of the proposal are not adequate. The current set backs of the three properties 82/80/78 terrace back from north to south is shown in a picture below. The portion of the development at 78 Orlando is set too close to the street.

- The plans propose a gate across a public lane way. This publicly owned property is shared access with 78,76, 74 and 72 Orlando Street. The proposed development will no doubt present access problems to these properties as well as the Victrack owned land at the rear of 78, 80 and 82 Orlando St, and the power substation at the rear of 78. (there was a fire at the substation in recent years and multiple fire engines were required access to put out the fire)

#### ENVIRONMENTAL/NOISE CONCERNS

With an overdevelopment of this size we raise major environmental concerns which include:

- The amount of rubbish generated by potentially 70 people
- The 15 x electrical appliances that will be running, ie air conditioners, hot water services, lighting and the location on the roof top of the building in a service yard and the noise that it will produce for my family and the neighbouring properties
- The noise potential from yards and balconies of the various apartments

#### PLACEMENT OF THE DRIVEWAY TO UNDERGROUND CAR PARK AND OTHER CONCERNS

- Why does the busy driveway with a potentially noisy gate need to be positioned to the north? ri Why can it not be located centrally or towards the laneway?

- The plans do not show the power poles on the nature strip of 78 and 80? What is to happen to these?

- Planters are not an appropriate landscaping solution. They are not permanent and can be removed. The landscape plans do not show heights of the vegetation along the north boundary. Will they provide any softening or potential privacy to my home?

I strongly oppose this awful development which will ruin all objectors livelihoods in the street. Disgusting.

## **24. Mr Geoffrey Fagan (O)**

This revised proposal for 15 apartments with 23 car spaces across two blocks is even worse than the appalling earlier proposal for 8 apartments on one block, which Council already refused. In particular:

1. Neighbourhood character. This 200m length of Orlando St is a picture-perfect pocket of perfection, quite distinct from the average overall length of the street. The owners just here have chosen, with or without Heritage overlay, to voluntarily honour the street's established Edwardian nature with new builds or renovations in character. That is why we choose to invest and live here. Proof: people pay a premium to buy here.
2. Size/Bulk. This proposal is out of all proportion to its neighbours. If approved, it would be the thin end of the wedge, further encouraging the destruction of this precinct.
3. Street Car Parking. Already scarce on a normal day, and impossible on a beach day, parking would become worse due to visitors to the 15 new apartments, which always exceed the minimum required underground car spaces.
4. Weatherboard cladding. This pocket shines due to its allegiance to the materials of the 1910s. Heritage coloured weatherboards and roofing are what people love here. Keep it that way.

## **25. Mrs Lindy Fagan (O)**

I have many concerns about these plans for 78-80 Orlando St

- The visual bulk of this project is totally out of proportion to the streetscape, which council proudly calls its heritage precinct. While I accept that increased density is essential to accommodate our growing population, this can be done far more sensitively
- Although some off street parking is allocated, this development will invariably need extra on-street parking, which cannot be directly in front of the development due to the bend in the road
- Our narrow residential street has battled for more than a decade to manage its traffic, which has long had excessive numbers and speed of cars
- Finding a parking spot on the street is already a huge problem, being close to the station...and it is massively worse on beach days

## 26. Mr Scott Matheson (A)

Dear Mr. Chair,

Written Submission to Planning & Amenity Committee  
78-80 Orlando Street, Hampton  
Planning Application No. 5/2020/653/1

My name is Scott Matheson from Ratio Consultants. We act on behalf of the permit applicant. Councillors, our client would like to talk tonight about the strategic intent and economic recovery needed within the Hampton Street Activity Centre.

Tragically, Hampton Street – once the nucleus of the Hampton community – currently has many commercial vacancies along a previously thriving shopping centre. Traders have disappeared and the remaining are deeply concerned about their future. Hampton Street is dying due to the ongoing impacts of Covid-19 and the move to large shopping centres like Southland.

Our client believes we need an immediate resuscitation of Hampton Street by directing construction jobs, new homes, and activity into this area. We understand that many traders agree. Hampton Street is a **Major Activity Centre** in the hierarchy of *Plan Melbourne*, but one that is devoid of genuine activity thanks to the impacts of Covid-19.

Bayside's Major Activity Centres are precisely where housing growth is to be located. This proposal asks you to approve **15 new homes for 15 new families** – these new residents will live locally, spend money in the local shops and offer hope to many in the community. With a mean household income just shy of \$150,000 in Hampton, this represents an opportunity to introduce over \$2 million of ongoing investment into Hampton, every year.

Housing growth in **designated locations** is needed to revitalise suburban main streets and Orlando Street is a key part of the Hampton AC. The planner's recommendation concurs: *the proposal has appropriately responded to the strategic framework implemented by Council. The application was also reviewed by Council's Strategic Planning Team who have further supported this application.*

This is an opportunity for Councillors to show confidence in their own policies which **promote housing growth** and development within Bayside's activity centres. Councillors, you can act here and now in supporting the very policies established in previous years. These are policies that your own Planning Department has endorsed in their support of this application.

Our client understands that you may be concerned that some measurable 'standards' aren't achieved. We are asking you look beyond a granular and simplistic 'tick-box' exercise and review the planning 'objectives'.

The 'objective' for the street setback is to **make efficient use of a site earmarked for housing growth** – this proposal does that. The 'objective' for side and rear setbacks is to protect the amenity of adjoining properties – this proposal does that and is compliant with the standard on all interfaces where there is an adjoining dwelling. Our client is asking you to overlook arbitrary metrics in support of the Council strategic policy and planning objectives that this proposal seeks to achieve.

**Figure 1:** Oblique streetscape perspective showing response to curved frontage



Source: Canny Borland Architects (TP Design Documents)

The officer recommendation once again does that: *The objective of the street setback standard is to ensure the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of a site. Given the proposal is accommodating 15 additional dwellings within a residential precinct of the Hampton Major Activity Centre, it is considered that the proposed street setbacks ensure efficient use of the site.*

*The subject site shows a main frontage with a curve that follows the pattern of Orlando Street. It is unreasonably onerous to achieve full compliance due to this irregularity. The minor area of non-compliance occurs at the south eastern corner of the site where the site is squared off. The primary east facing façade is fully compliant and exceeds the street setback requirement of 6.25m. The irregularity in frontages along Orlando Street see smaller front setbacks – properties at 84, 86 and 76 all have built form with a minimum setback of 3-4m from their front boundaries. The minor non-compliance with the standard is not inconsistent with the pattern of the streetscape. Most of the front setback **exceeds the numerical requirement**, allowing ample area for meaningful and complimentary landscaping*

The ‘objective’ for neighbourhood character is to respond to the preferred future character of the area – this proposal does that. Apartment buildings are an emerging part of the character of this area. As the renders within this submission demonstrate, the **world-class architecturally designed proposal** will settle comfortably into the future streetscape, with visual cues taken from heritage cottages interspersed along Orlando Street. This proposal balances housing growth with the preferred neighbourhood character while respecting the existing character of Orlando Street.

**Figure 2:** Streetscape perspective of proposed residential building



Source: Canny Borland Architects (TP Design Documents)

The officer recommendation this application as follows: *The subject site is located within the Hampton Major Activity Centre which is one of the residential opportunity areas contained within the Strategic Framework Plan in the Municipal Strategic Statement. The Hampton Structure Plan has been developed for this activity centre and sets out guidelines for built form for different precincts within this activity centre.*

*DDO12 relates specifically to the Hampton AC and operationalises the built form controls for different precincts that were identified in the Hampton SP. Given the location of the site within the Hampton Activity Centre, and the design guidelines offered by the DDO12, it is **considered appropriate** that less weight is offered to the **neighbourhood character** guidelines at Clause 22.06.*

*Notwithstanding the above, the proposal shows strong compliance and integration with surrounding dwellings...The planning scheme asserts that preference in architectural style should not be given weight especially in consideration of the inevitably eclectic array of architectural styles in the streetscape...the **proposal is highly responsive to each interface** and would be **providing a significantly improved landscaping outcome**. It should also be noted that the subject site and surrounds (Hampton Major Activity Centre) have been strategically nominated for this exact level of development in terms of building height and dwelling yield. It can be confidently assumed that the emerging character of this area will see three-story built form and contemporary design.*

Following months of hard work, design and ongoing liaison with stakeholders like the Hampton Neighbourhood Association, this proposal as mentioned has received **full support from the Bayside Planning Department** and all internal referral departments. The planning department has interpreted the strategic policy within your own planning scheme as supportive of this, a high-quality design that will direct new families into an area designated for housing growth.

Councillors, Hampton Street needs activity back. Our client understands that sometimes change is messy but, inherently, **change and leadership is what is needed**. Housing growth is what is specifically encouraged for this site and all land located within the Hampton AC. The planning scheme asks Council to look past density and resident concerns about “too many dwellings” and consider a performance-based approach. This proposal is an outstanding performance-based outcome on a site encouraging housing growth and support for the proposal is well articulated in the officer’s report.

Perhaps most importantly, while understandably difficult, supporting this proposal shows **faith in Council's own Planning Department.**

We believe the officer recommendation summarises it best: *the **number of dwellings** provided in this application **has strong strategic support.** The subject site is located within the Hampton Major Activity Centre which actively encourages the provision of additional dwellings to accommodate for projected population growth.*

***It cannot be reasonably argued, within an activity centre that the proposal seeks an overdevelopment of two sites. To refuse development on this basis would be unreasoned and directly contradict State and Local Policy.***

Thank you for the opportunity to address the Council this evening.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'SM' or similar initials, with a stylized flourish at the end.

Scott Matheson  
Senior Planner  
Ratio Consultants Pty Ltd