

# **WRITTEN STATEMENTS**

**20 October 2021**

**Planning and Amenity Delegated  
Committee Meeting**

**Item 4.1      464-476 Hampton Street, Hampton East      (Page 3)**

1. Ms Sheila O'Shea & Mr Francis Leipper (O)
2. Mrs Karenina Turnbull (O)
3. Mr John & Mrs Jan Byrne (O)
4. Mr Brett Oswald (O)
5. Mr Douglas & Mrs Teresa Oddy (O)
6. Mr Anthony Hall (O)
7. Dr Jonathan Nightingale (on behalf of Hampton Neighbourhood Association) (S)
8. Mr Chris Pippo – The North Planning (A)
9. Mr Tim Lowe – Lowe Living (A)

**Item 4.2      25-29 Tulip Street, Sandringham      (Page 22)**

1. Mr Garry Thompson (S)
2. Mr Julian Donlen (A)

**Item 4.3      9 Bartlett Street, Hampton East      (Page 27)**

1. Mrs Margarita & Mr Vladimir Gutkin (O)
2. Ms Eva Schulz (O)
3. Ms Robyn Grimshaw (O)
4. Mr Philip Callil (O)
5. Mr Mahesh Thiyagarajan (O)
6. Dr Lidia & Mr Arthur Xynas (O)
7. Mr Anthony Foss & Ms Izobel Cox (O)
8. Mrs Kathryn Ramanathan (O)
9. Mr Alexander Xynas & Ms Bethany Miles (O)
10. Ms Anne Prezens (O)
11. Mr Stephen Hughes (O)\
12. Mr David Hughes (O)
13. Mr Matthew Buckmaster – Buckmaster Town Planning (A)

**Item 4.4      23 Tibbles Street, Beaumaris      (Page 50)**

1. Miss Tuyen Trigg-Graynoth (O)
2. Mrs Jane Baker & Ms Judith Pittard (O)
3. Mrs Elizabeth Trigg (O)
4. Mr Peter Bainbridge (O)
5. Mr Richard Umbers – Peninsula Planning Consultants Pty Ltd (A)

**Item 4.7      New Street, Brighton - Homes Victoria Social Housing Project (Page 62)**

1. Mr Viraj Perera (on behalf of Homes Victoria) (S)

Definitions

A= Applicant

S= Supporter

O= Objector

**Item 4.1**

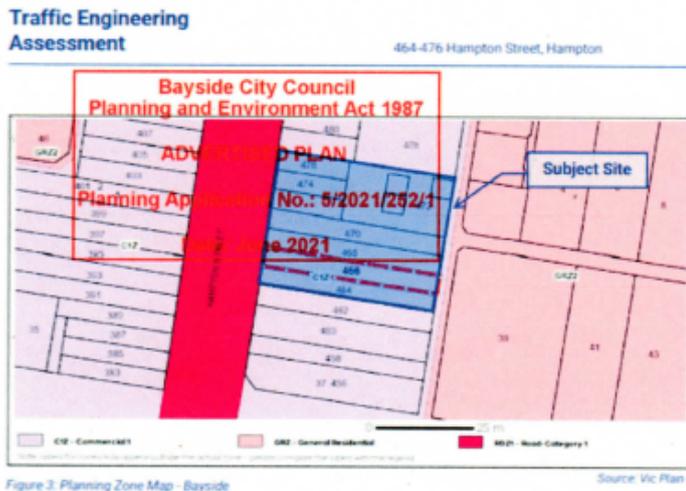
**464-476 Hampton Street, Hampton East**

## 1. Ms Sheila O'Shea & Mr Francis Leipper (O)

To Ziqi Xi, Planning Department, Bayside City Council.

I recently received a copy of the Revised Plan for the proposed development at 464-476 Hampton Street, Hampton 3188 and would appreciate that you accept these supplements to our previous objections.

We live at 41 Willis Street, Hampton Victoria, which is shown below (in Figure 3 Planning Zone Map Bayside, page 4 of the Traffic Report by Traffix Group). Our property abuts the east west lane which extends from the rear of the proposed development to Hood Street Hampton.



### Height and Visual Bulk Objections

I understand that the proposed development is in Commercial 1 Zone, Schedule 12 of the Design and Development Overlay (DD012) Precinct B, which has a height preference of 13.5m and 4 storeys.

It is apparent that the proposed building is far in excess of the site height recommendation. In the initial plans, the height at Hampton Street, Hampton is shown at 21.3m and six storeys. This is even in excess of Precinct A1, DD012, the 18.5m & 6 storeys, which is designated for a higher population density near the railway. I understand that in the proposed Revised Plan, a unit has been removed from the 6<sup>th</sup> level at Hampton Street but the building height remains constant for the rest of the building. The central part of the building remains at the height of 18.7m and it is described as 5.3-5.4 storeys and regarded as an apparent five storeys. This height is excessive and would tower above the two and three storey adjacent residential properties, which are located in Precinct E, DD012 and are 11m and three storeys maximum or 12m where the land slopes away at ground level.

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### Traffic Issues, Parking Requirements & Waste Collection queries.

There is an error in the Traffic Report by Traffix Group. The right-of-way, north - south between Mills Street and Willis Street is incorrectly described as being 3.8m in width and is actually 3.4m to 3.6m in width. At the two power poles and the sewer pole, the lane measures 3.4m. This single laneway is currently used for two-directional traffic.

Access for 50 cars in the proposed development in the single right-of-way lane, in addition to current public traffic use as a thorough fare, parking, truck deliveries for shops and waste collection for both residents and shops in a narrow, single lane with two directional traffic would be unsafe, unmanageable and have a negative impact on the amenity.

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I understand 38 car parking spaces are required in the proposed development for residents with 50 places being provided. Given that there is no statutory requirement for visitor car parking requirements in the proposed development and that the minimum requirement for car parking is commonly insufficient for 2 bedroom apartments, I believe the additional 12 car parking spaces will be readily occupied.

In discussions with the planning department at BCC (13/10/2021), I was informed there is a parking reduction request for 14 car parking spaces required for commercial use.

Living in our property for over forty years, we have different views and experiences from those described in the existing conditions in the traffic report. In our experience, there was an increased demand for all day parking after one hour residential parking was implemented in local streets, which resulted in the site at the rear of the shops being crowded and regularly used for all day parking by other workers, shop keepers in Hampton Street and our friends and visitors. It was common for several cars to be parked at this site during the evening near the existing restaurant and in the site of the proposed development in Hampton Street.

About 18 months to 2 years ago shop keepers erected bollards to try to prevent other workers and people parking there. I believe these bollards were removed upon the sale of some of the shops and the traffic report incorrectly states in 4.3.2. Existing reliance on Off-site Parking, 'the rear car park used by staff only'... and that 'the site has historically been reliant on off-site public parking provisions for customers/visitors'.

Since the sale of the shops and prevailing Covid-19 restrictions, the site is exceptionally quiet but hopefully when things improve commercial activity will resume. However, if approved, the proposed

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development will put even more pressure and demands on local parking and negatively impact traffic conditions.

At the moment in the right-of-way, single lane at the rear of the proposed development, there is some traffic impedance due to regular truck stops for shop deliveries and shops historically have waste bins collected in the rear lane. These truck deliveries and waste collections are a minor impedance in light traffic but if the proposed development is approved, I believe the increased traffic in this site would be problematic.

Clarification is needed because of an inconsistency between the Traffic Report and the Waste Collection Report. Waste collection is proposed to be undertaken on site within the basement using a private waste collection vehicle. *Page 6 Traffic Report -Traffix Group*. This contradicts some information in the Waste Report by Traffix Group, *page 13, 3.5 Waste Collection Arrangements and Vehicle Access, Garbage and Recycling*, which explains (paraphrased) that garbage and recycling will occur on site with access from the rear lane. This will occur outside of commuter peak periods. However, 'Organic and Glass waste will occur on-street in Hampton Street in the Loading Zone. Tenants or the Owners Corp will be required to transfer the bins to the kerbside for collection'. This is very vague.

What does this mean? How many bins and what's in them? I believe food waste is put into the organic - green waste bins and there are two cafés /restaurants and 31 residents.

What would be the impact in Hampton Street if the proposed development is approved?

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It is also presumed by the proposal, that other shops currently having deliveries in the rear lane will be required to use the Loading Zone in Hampton Street, however impractical or inconvenient and if the proposal is approved, there would be additional constraints on the Hampton Street Loading Zone due to waste collection.

I believe that in the proposed development plans, there appears to be very little consideration of the needs of other existing shop keepers or the local community and the potential for increased traffic issues in Hampton Street, Mills Street and Willis Street as well as in the single lane at the rear of the site.

**Summary**

We oppose the excessive height of 18.7m and apparent five storeys at the rear of the development and believe the actual height limit of B Precinct, DD012 at 13.5m preferred and 4 storeys would benefit the local community, amenity and streetscape. If approved, the proposed plan could create many problems and impact the local community negatively.

There are many traffic safety and parking issues associated with the proposed development in Hampton Street, Mills Street and Willis Street and in particular in the rear, right-of-way single lane at the rear of the shops. Errors need to be considered in the Traffix Group's Traffic and Waste Reports and clarification is also needed in regard to on-street waste collection in Hampton Street. It would

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be appreciated if consideration could be given to preventing and/ or minimising the negative impacts of the proposed development on adjacent local shops, residences, nearby streets and on the local community.

Kind Regards,



Sheila O'Shea

Francis Leipper.



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To the Councillors,

Thank you for the opportunity to share our views and please consider our objections to the proposed development at 464-476 Hampton Street, Hampton 3188.

We live at 41 Willis Street, Hampton. Our property abuts the east west lane which extends from the rear of the proposed development to Hood Street.

I understand that the proposed development is in Commercial 1 Zone, Schedule 12 of the Design and Development Overlay (DD012) Precinct B, which has a height preference of 13.5m and 4 storeys.

It is apparent that the proposed building is far in excess of the site height recommendation. I understand that in the proposed Revised Plan, a unit at 21.3m at Hampton Street has been removed from the 6<sup>th</sup> level at Hampton Street but the overall building height remains the same. This height is excessive and would tower above the two and three storey adjacent residential properties, which are located in Precinct E, DD012 and are 11m to 12m maximum. This would be detrimental to the streetscape and would have a negative impact on the amenity for the local community.

In the Traffic Report, the right-of-way, north - south between Mills Street and Willis Street is incorrectly described as being 3.8m in width and is actually 3.4m (at power poles) to 3.6m in width. This single laneway is currently used for two-directional traffic.

Access for 50 cars in the proposed development from the single lane, in addition to current public traffic use as a thorough fare, parking, truck deliveries for shops and waste collection for both residents and shops in a narrow lane with two directional traffic would be unsafe, unmanageable and have a negative impact on the amenity.

I believe the proposal has sufficient parking for residents but there is a necessity for parking for commercial use. Given that there is no statutory requirement for visitor car parking in the proposed development and that the minimum requirement for car parking is commonly insufficient for 2 bedroom apartments, I believe the additional car parking spaces will be readily occupied.

There is a parking reduction request for 14 car parking spaces for commercial use. I believe these 14 car spaces should be provided as the Traffic Report misrepresents the current situation.

There was an increased demand for all day parking after one hour residential parking was introduced in local streets. This resulted in the site at the rear of the shops being crowded and regularly used for all day parking by people other than shop keepers.

There are many traffic safety and parking issues associated with the proposed development in Hampton Street, Mills Street and Willis Street and in particular in the rear lane behind the shops. Errors need to be considered in the Traffix Group's Traffic and Waste Reports and clarification is also needed in regard to on-street waste collection in Hampton Street. It would be appreciated if consideration could be given to preventing and/ or minimising the negative impacts of the proposed development on adjacent local shops, residences, nearby streets and on the local community.

## **2. Mrs Karenina Turnbull (O**

Dear Councillors,

In addition to our formal objection (Ref No. 692475), we make the following statement summarising our concerns with the proposed development for your consideration.

### **Privacy**

- No oversight diagrams were completed for level 1. The development will be very close to other neighbouring properties.
- The Level 1 floor level is 1.48m above the lane level (1.7m in other locations). This means an average person at 1.7m tall standing on the level 1 floor level is viewing at almost 3.2m high. Easily enough to see over a fence and into the adjoining properties.
- Our habitable spaces are clearly and directly within the 9m guideline. This is from both level 1 and level 2.
- Apartment numbers 1.02, 1.03, 1.04, 2.03 & 2.04 all view into our property from both balconies and bedroom windows.
- Due to height and location, apartment 2.05 (while outside 9m) would have direct line of sight into our living room.

### **Height**

- The height of this building is 2no. storeys above the preferential 3 storey guideline.
- The height of the building is significantly higher than adjoining properties which is also not within guidelines – guideline states preferred 1 storey.
- The height will block afternoon sun and shade our property for most of the afternoon.
- The building will dominate that section of Hampton Street.

### **Car Parking & Traffic**

- The developments reduced car-parking for residents and shop staff will push cars out onto the street spaces – especially Mills and Willis.
- The narrow lane being for two way traffic will ultimately cause user frustrations with increased drivers and inadequate passing options.
- The unloading of delivery and rubbish trucks in the narrowed lane will cause lane blockages.
- There will be no access for trucks in and out of the laneway running parallel to Willis St due to the tight turning area at the lane junction.

Sincerely yours,

Karenina Turnbull

### 3. Mr John & Mrs Jan Byrne (O)

1. This submission is in addition to our earlier objections and is a summary of same and not in substitution.
2. The Hampton Neighbourhood Association does NOT represent us or our views and never sought same before making its submission.
3. The proposal;
  - a. Is dominating and bulky
  - b. Overshadows generally, and our property in particular.
  - c. Does not fit the neighbourhood character.
  - d. Overlooks adjoining properties and invades personal spaces
  - e. Will cause;
    - traffic congeston.
    - traffic problems in respect to delivered services.
    - noise and pedestrian safety in the rear laneway.
    - adverse noise volumes and frequency.
  - f. Will have insufficient car parking on-site.

We thank you for your consideration and request that substantial amendments are made to the proposal to give effect to our objections.

Jan and John Byrne  
18/10/21

#### **4. Mr Brett Oswald (O)**

Objection to proposed building application for 464-476 Hampton Street due to the following concerns:

1. Access to our double garage will be extremely dangerous with additional traffic and potential blind spot as new residents turn left out of the proposed car park driveway. The new driveway is very close to our existing driveway, not giving them much time to see us exiting before arriving at our existing driveway. There is no room to veer or potentially time to brake preventing a collision and possible serious injury.
2. Allowing us safe entry and exit from our garage which is our primary parking space due to increased traffic. Based on the width of the laneway it is necessary for us to reverse into our garage and this will be even more necessary so that we can exit forwards safely and not be reversing out into the busy laneway.
3. Allowing us, and particularly our children, safe pedestrian entry and exit to our property via the laneway and our pedestrian gate.
4. Access to our garage during construction. If the laneway is closed we lose access in and out of our garage and our main 2 car parks.
5. Safe passing is of concern with only one passing bay.
6. Availability of clear and fair access to the laneway with all the extra traffic in both directions as it is our only entry and exit to our private, secure and safe car parking area.
7. Car lights shining into our bedroom and living area as cars leave the car park.
8. Noise of security gate to car park. With 57 parking spaces the opening and closing of the gate would be 228 movements a day if each car space emptied and filled only once per day.
9. Air quality of potential idling cars and extra traffic with asthma sufferers and young children living at 2/2 Mills Street.
10. Traffic in the single car laneway having to cater for in excess of 100 cars travelling in either direction on a daily basis when it is a major pedestrian thoroughfare. The laneway is not currently in a condition to cater for that amount of traffic.
11. Safety of pedestrians as this is a thoroughfare for many residents, especially the elderly, youths and dog walkers.

12. Construction works and/or vibration causing potential cracking and other damage to our property.

13. Noise during construction as we have several students studying and residents working from home. Noise also affecting enjoyment and quality of lifestyle due to early starts both during the week and on weekends.

14. Dust, dirt and mud requiring cleaning of our property due to several house members suffering from asthma and other medical conditions.

15. Allowing the additional height above the DD012 requirements causing a greater loss of our current views.

16. Loss of bay views from our property causing a reduction of enjoyment and possible decreased value of our property.

17. Additional noise created by increased numbers of tenants as we only have single glazed windows, decreasing enjoyment of our property.

18. Loss of privacy on our balcony.

19. Availability of parking on Mills Street due to potential additional parking permits being required.

We understand that developments need to occur in the area but it shouldn't be at the detriment of current residents. We are happy to discuss suitable resolutions.

We appreciate your understanding and consideration of all the above concerns and look forward to your open minded and considered response.

## 5. Mr Douglas & Mrs Teresa Oddy (O)

We agree with the points in the objection made by Sheila O'Shea and Francis Leipper and would like to add that there is absolutely not one benefit of the proposed development to our community.

- The building height is too high, at two storeys or 56% above the precinct, height recommendations of 4 storeys.
- It is an eyesore on Hampton's highest landscape and would destroy the "Hampton Hill" village feel that residents and Council want to retain.
- The ground floor is raised unnecessarily at Hampton Street and at the rear, where it is 1.7m above ground level.
- If approved a precedent could be set for buildings to get even higher.

In 2018, Bayside City Council Planning Department rejected a submission for plans for multi-density residential access in the rear right-of-way lane because of "delays, conflict and other concerns", which are still relevant. With twice as many units and two shops there would be a significant impact on safety concerns for both traffic and pedestrians alike.

The issues of two-directional traffic in a narrow laneway 3.4m to 3.6m wide have not been solved by the widened approach to the basement entrance.

We also identified errors in the Traffix Group report, due to the timing of research being done during Covid Restrictions and the incorrect assumptions about the parking in the development site and we agree that the statutory requirements need to be met for commercial parking.

In the revised plan, the target market appears to be down-sizers as there are no internal green spaces, shared rooms or community facilities. The 40 bicycle allocation is unrealistic due to the danger for this age group to cycle in Hampton Street, surrounding streets, including the proposed access in the rear lane.

Other issues include -

- Deliveries to existing shops will be impacted making their operations unmanageable.
- Parking in the car stacker on the corner building of the rear lane and Willis Street is an issue.
- Hampton Street garbage collection.
- Car headlights shining (5m to 6m) into the upper two floors of residential properties when leaving the sloping basement entrance.

We believe this development must be 4 storeys or less and the entrance to the building in the rear lane is dangerous, creates traffic and safety issues and needs serious thought and modification. The garage entrance should be moved to Hampton Street as the recently approved 431 Hampton Street Development only 70m to the north. We believe the statutory parking requirements for commercial properties should be adhered to.

## 6. Mr Anthony Hall (O)

Objection: 464-467 Hampton Street Hampton – Anthony Hall, 11/39 Willis Street, Hampton

Dear Planning and Amenity Delegated Committee members,

I have lived in Hampton for 25 years and still believe it is the best suburb in Melbourne. However, over the past few years inappropriate development of 5 and 6 story buildings has had a negative impact on the suburb. We are in danger of losing the Hampton village feel forever if further oversized developments are approved.

I am a supporter of appropriate development and I believe the Bayside guidelines are appropriate, but the developers are not sticking to these guidelines, they are applying for permits that will exceed the guidelines.

The Hampton Hill development is a great example of a developer not paying any attention to the guidelines. The proposed building is not only 6 stories high, but it will sit on one of the highest points in Hampton. The sheer size and scale of the proposed development will dominate the skyline of Hampton forever.

I would support this development if it was 4 stories, but I can't support it with it being 6 stories. The building height is over 50% greater than the preferred height guidelines.

There is another major issue which is the lack of car parking and more importantly the entrance being at the rear of the property, feeding from a tight laneway. In 2018, Bayside City Council Planning Department rejected a submission for a residential development of 3 stories in Willis Street to use this same laneway for carpark access. The council cited 'delays, conflict and other concerns' and rejected the proposed use of this laneway. This forced the developer to redesign the project to have the carpark entrance in Willis Street. The proposed Hampton Hill development has more than twice the number of apartments and is planning to use this same laneway for access to the carpark. This will cause twice the problems of traffic and major safety concerns the council identified and rightly rejected only 3 years ago.

There is not enough parking overall, particularly for the commercial tenants which will cause even greater parking problems in already full carparks and local streets.

I encourage all councillors to reject this application to protect the Hampton skyline for residents of Hampton and Bayside.

Regards,

Anthony Hall

## **7. Dr Jonathan Nightingale (on behalf of Hampton Neighbourhood Association) (S)**

Under Agenda Item 4.1 of the Planning & Amenity Committee meeting being held on 20 October 2021 Councillors will consider whether to approve an application for a planning permit for development of 464-476 Hampton Street, Hampton, 3188 ('Hampton Hill').

Hampton Neighbourhood Association (HNA) urges councillors to support a grant of permit. Our reasoning follows:

- HNA supports development which is consistent with Bayside planning guidelines. In this case, HNA is of the view that the proposal demonstrates a high degree of compliance with the provisions of Bayside's planning scheme, including the satisfaction of criteria relevant to the exercise of discretion under the planning scheme with respect to building height and retail parking provision. Specifically, due to the proposal's very high standard of architecture, environmental performance (BESS rating: 70% or 'excellent', NatHERS energy rating of 7.5 stars out of 10) and minimisation of off-site impacts, HNA believes the key tests for variation of building height from preferred guidelines are met, and due to its location close to sizeable short term car parks on Willis Street the tests for grant of a retail parking waiver are also met.

- Taking into account feedback on the proposal from HNA members following our involvement to enhance its compliance with planning guidelines (24 positive responses and 4 objections), as set against feedback received by Council (30 objections in total, made up of the 4 objections mentioned above plus a further 26 objections), HNA does not believe there is a groundswell of community concern with respect to the proposal which would indicate a broadly held view of loss of community amenity. By way of contrast, the most controversial development proposal on Hampton Street in recent years, the Steller proposal for 427-461 Hampton Street, attracted over 250 objections to Council (and no positive responses) and a petition with over 2,500 signatories against it.

- HNA is of the opinion that, should the proposal be the subject of an appeal to VCAT, it is highly likely that it will receive a grant of permit in its current form. In the last six years applications for development at 514-518 Hampton Street (Molinos), 510-512 Hampton Street (Ian Marks), 427 Hampton Street (Hamptons Bakery building) and 11-15/427 Hampton Street have all been awarded grants of discretionary building height by VCAT of between one and two storeys over 'preferred' height, together with retail parking waivers similar in scale to the waiver sought in this case, for buildings of competent but average architectural standard with BESS environmental performance ratings of only 51% (Note: A BESS rating of less than 50% is classified as a 'fail').

For these reasons, together with the highly constructive and respectful way in which the applicant (LOWE Living) has engaged with the community of Hampton, HNA is of the opinion that a grant of planning permit is justified.

## 8. Mr Chris Pippo – The North Planning (A)

9 October 2021

Attention: City of Bayside Councillors

5/2021/252/1: 464-476 Hampton Street, Hampton

### Statement of Support

Good evening Councillors,

We thank you for the opportunity to prepare this written submission in relation to the development application at no. 464-476 Hampton Street, Hampton.

I prepare this submission on behalf of the Permit Applicant, who respectfully seeks your support this evening.

We say the application before you will see the delivery of a landmark development along Hampton Street, a collaborative approach by internationally recognised architectural firm Woods Bagot and Lowe Living, an award-winning development company who has been part of the Bayside community for many decades and delivers a high-end product for the down-sizing owner / occupier.

In general terms, we say the application is one that strikes the right balance between the message conveyed within the Bayside Planning Scheme and the ever-evolving character of Hampton Street. Importantly and at the heart of this project sits the community consultation, which formed part of the project from its outset and continued through to the final recommendation here this evening. A collaborative and inclusive approach was taken throughout this town planning journey, allowing the proposal to successfully mediate:

- An outcome that celebrates the Hampton Hill mural and develops a scheme around this recognised community node.
- Innovative ESD excellence, which is a focal point of the design and forms part of the ongoing vision of Lowe Living.
- A scale of built form that is commensurate to the emerging vernacular along Hampton Street.
- A recessive built form that tempers as it approaches the residential interface to its east.

Most notably, we highlight the following.

- **Commercial activation / Village Atmosphere:** The proposal looks to breathe new life back into this section of the Hampton Street, delivering two flexible and unique tenancies that are of the same *Net Floor Area* as the existing operations on the premise (consistent with Clause 02.03-1 of the Planning Scheme).
  
- **Hampton Hill Mural:** Recognised by a heritage advisor as containing community significance, the proposed design pays homage to the Hampton Hill Mural via the retention of a modernised Hampton Hill stencil within the Hampton Street façade and the placement of the building façade to ensure it remains a prominent element within the Hampton Street landscape.
  
- **Building Height:** The delivery of a proposal that presents as 5-storeys to Hampton Street and the rear laneway that is consistent with the emerging typology and transformation of scale along Hampton Street and presents as a lesser scale to the recently approved 6-storey development on the west side of Hampton Street.
  
- **Response to Council / Hampton Neighbourhood Association (HNA) / third-party concerns:** The Applicant has maintained an open dialogue with all stakeholders and responded in a positive manner to Council, HNA and third-party concerns. Most notably the following various amendments / concessions were made:
  - A reduction in the number of residential apartments to reduce the volume of built form presenting to Hampton Street.
  - An increase in the on-site parking spaces allocated to the commercial tenancies (4 to 6 spaces).
  - The inclusion of twelve (12) additional residential parking spaces within the subterranean levels, which represents an increase of 32% in residential parking spaces and a surplus of residential parking spaces.
  - Irrespective of the proposals adherence to all the applicable traffic and safety regulations as contained within the Australian Standards and Clause 52.06 of the Bayside Planning Scheme, the Applicant's continued focus on community safety has delivered the following.
    - A car passing/waiting bay adjacent the laneway for the benefit of the immediate and greater area.
    - The inclusion of convex mirrors within the lane to increase visibility for drivers and pedestrians.
  - The provision of waste collection within the basement levels of the building.
  - The provision of additional screening devices.

Engagement with key stakeholders and the above changes to the design (formalised via two S57a applications) has resulted in a position of Support from Council Officers and HNA.
  
- **Planning Scheme / Building Height:** The proposal has successfully mediated Design & Development Overlay, Schedule 12 (DDO12) that applies to the subject land. DDO12 (Section 2.0) sets out clear and confined parameters to consider when contemplating height above the preferred height limit. These are listed below along with our response.
  - **Architectural excellence:** Delivered via Woods Bagot, who is an internationally recognised architectural firm. Their achievements and accolades are articulated in the submission here this evening by Lowe Living.
  - **Innovative ESD Design:** ESD innovation and excellence via a Naters Energy Rating of 7.5 stars, with the ESD (Environmentally Sustainability Design) assessment confirming a total BESS score of 70% - which meets the 'Excellence' BESS score (70%). This will make Hampton Hill the greenest multi-storey residential development along this part of Hampton Street and exceed the 6.8-star Naters Energy Rating achieve on the recently VCAT approved 6-storey development on the opposite side of the road.
  - **External amenity / transition in scale to lower building forms:** The acceptable setback from abutting residential properties is clearly articulated in DDO12, and as illustrated in the table below, the proposal exceeds these requirements across all levels.

DDO12	Preferred	Proposed
Setback from a residential boundary:		
Level 01	3m	6.752m (min)
Level 02	5m	6.752m (min)
Level 03	10m	10.252m (min)
Level 04	15m	15.102m (min)
Level 05	15m	15.102m (min)

- **Overshadowing of public & private areas:** the degree of overshadowing onto public areas is negligible, whilst the significant setback from the laneway ensures the shadow cast by the proposal onto neighbouring open space areas complies with the Planning Scheme.

The above presents a summation of the reasons why the development has responded in a positive manner to the confined directives within the Scheme that allows additional height to be contemplated.

We conclude that the proposal has successfully navigated the Bayside Planning Scheme and importantly, one that will sit comfortably within its surrounds.

It is for these reasons that we respectfully request your support this evening.

Thank you.

**CHRIS PIPPO**

**Director**

## **9. Mr Tim Lowe – Lowe Living (A)**

Dear Councillor,

### **Application 5/2021/252/1**

#### **464-476 Hampton Street Hampton (Hampton Hill) – Lowe Living Submission**

#### **Lowe Living**

As a brief background on our business, Lowe Living is a market-leading property development company, specialising in the creation of high-quality, medium-density apartment projects in Melbourne's bayside suburbs. Our buyer demographic within all our projects is typically downsizers and always nearly 100% owner-occupiers.

Our site vision for 464-476 Hampton Street Hampton (Hampton Hill) remains true to this ethos. We acquired the site to rejuvenate a part of Hampton Street that is currently littered with vacant shopfronts, and to provide a new built form that sets a new standard of architectural excellence and innovative Environmentally Sustainable Design (ESD) within the area.

To achieve this vision, the internationally awarded architectural practice Woods Bagot was appointed at site acquisition, and given a brief to design a building with a primary focus ESD innovation and architectural excellence, which is what the Bayside Planning Scheme calls for. This design response will allow delivery of a building that is of a similar height to other recently approved and constructed projects in the immediate area.

Given our target buyer for this project being very much tailored for the owner occupier, a strong emphasis on architectural excellence is considered imperative.

The attached document showcases project experience of both Lowe Living and Woods Bagot, to illustrate both practice's commitment to quality and architectural excellence.

#### **Community and Hampton Neighbourhood Association (HNA) Engagement**

A collaborative approach for this town planning application was undertaken from the outset. This has ultimately resulted in a position of support from both Bayside Council Officers and HNA.

This inclusive approach was achieved via engaging with HNA during the design development phase and responding directly with changes to the initial design via a Section 57a application.

Community engagement was also a critical element of the process, and following several information sessions with adjoining owners, a second Section 57a application was submitted to Council with further changes incorporated that responded directly to neighbours concerns.

The on-going open dialogue with both Council, HNA and objecting parties, and the ability to adapt and respond is clearly reflected in the two Section 57a applications submitted.

## **Positive Development Outcomes**

### Reactivation of Hampton Street

There are currently 34 vacant shops along Hampton Street (from South Road to the train station). The submitted design delivers two flexible and unique tenancies of the same Net Floor Area that currently exists across the site. Again this outcome achieves the desired development outcome outlined within the Bayside Planning Scheme.

### ESD Innovation

The proposed design targets a 7.5 star NatHERS Energy Rating, which once built will make Hampton Hill the greenest multi residential development in this part of Hampton. This rating exceeds the 6.8 star NatHERS Energy Rating achieved on the recently VCAT approved 6-storey development on the opposite side of the road.

Hampton Hill represents another chapter in Lowe Living's delivery of projects that focus on ESD excellence. Some other recent developments include:

#### **Larnook Armadale**

523 Orrong Road, Armadale

7.5 Stars Energy Rating

#### **Sera Brighton**

736-742 Hampton Street, Brighton

7.5 Stars Energy Rating

#### **La Sal Chelsea**

501-502 Nepean Highway, Chelsea

6.6 Stars Energy Rating

### Surplus Residential Parking

The design includes a basement carpark that delivers a surplus of residential parking spaces and the collection of waste within the basement (and not in the laneway). Both items are a direct response to adjoining owner concerns (there was no surplus residential parking provided within the initial application).

### Laneway Safety

The amending of the design to deliver a passing area along the laneway is in direct response to third party concerns and is supported by Bayside Council's traffic engineer.

### Hampton Hill Mural

Despite heritage advice that the Hampton Hill mural does not contain any heritage significance, the proposed design pays homage to the Hampton Hill Mural via the retention of a modernised Hampton Hill stencil within the Hampton Street façade and the placement of the building façade to ensure it remains a prominent element within the Hampton Street landscape.

### Planning Scheme Compliance

Responding directly to the site's Development Overlay criteria, the proposed building will present as a 4-storey structure to Hampton Street. The design's strong focus on external residential amenity is illustrated by the delivery of generous setbacks from neighbouring residential allotments that exceed the Bayside Planning Scheme requirements. The design also complies with all overlooking and overshadowing controls.

In summary, the above application is a considered design response to the Bayside Planning Scheme, the Hampton Neighbourhood Association, and the Hampton community itself. The collaborative approach undertaken throughout the process with key stakeholders, and the support from both Council Officers and HNA reinforces the application's merits to provide a building that aims to reinvigorate the Hampton Hill vicinity of Hampton Street and set a new standard for Hampton developments into the future.

Should you have any queries regarding the above, or the project in general please contact me on 0408 259 879 or [tim.lowe@loweliving.com.au](mailto:tim.lowe@loweliving.com.au).

Yours sincerely

**Tim Lowe**  
Managing Director  
**Loweliving**

**Item 4.2**

**25-29 Tulip Street, Sandringham**

## 1. Mr Garry Thompson (S)

Bayside City Council – Planning Meeting 20<sup>th</sup> October 2021

File #PSF/21/28, Document # DOC/21/290964

Agenda Item – Planning Application for Establishment of Community Garden Facility Tulip St Sandringham

The SCGC (Sandringham Community Garden Club) herewith submits an objection to Agenda Item No 2 in respect of a particular aspect of the Planning Application being submitted by Bayside Council for approval at this Planning Committee Meeting.

Under the details of the submission prepared by Bayside Planning Department there is a reference to a proposed condition of use being limited to 20 persons at any one time.

The SCGC takes exception to this on the following grounds:

1. The SCGC currently has a signed lease agreement from Bayside Council that **does not have** any reference to the number of participants that are permitted on site at any one time.
2. The approved layout plan comprises of 35 individual garden plots together with two large community use plots which implies a number of people certainly in excess of 20.

The reasons for this objection by SCGC are:

- a. The membership has been limited to the holders of 55 gardening areas based on 35 individual lots together with 10 users within each of the two large communal areas making a total of 55.
- b. Apart from the ad-hoc attendance of members to tend their individual lots, it was going to be necessary to undertake the maintenance of common areas by arranging working bees which could and would most likely exceed 20 persons at any one time.
- c. Part of the membership included a disability group and a kindergarten group and together with their carers it would be considered inappropriate to place such an attendance number limit.
- d. One of the functions of the community garden was to host periodic educational instruction sessions at the facility, and on these occasions it was expected that these would exceed a 20 person limit.

**Recommendation:** That if it is deemed necessary to now apply an attendance limit at any time to the lease conditions, then the SCGC would see that a limit of 60 persons would be workable.

## 2. Mr Julian Donlen (A)

### Planning and Amenity Delegated Committee Meeting – 20 October 2021

*Submission on behalf of Bayside City Council, Sustainability & Transport, re. Application No. 2020/656/1*

#### BACKGROUND

Council is proposing a community garden at 29A Tulip Street, Sandringham. The application was advertised from 5 July 2021 to 22 July 2021 and approximately 54 objections and 52 submissions of support were received.

The application for a community garden represents an opportunity for Council to provide a community use on under-utilised community land, which will contribute to fostering a healthy and engaged community.

In relation to the grounds of objection, many of these objections came in the form of two proforma objection templates. Further, it is relevant that in addition to the 54 objections, Council has also received 52 submissions of support. This is a rarity in planning applications and shows that amongst the objection in the community there is also significant support for this proposal.

This alone indicates the strong community desire for the proposed application.

A number of concerns have been raised in relation to the proposed community garden. We have reviewed the concerns and outlined the key merits of the application below.

#### KEY MERITS OF APPLICATION

A summary of the key merits of the application are outlined below.

##### 1. Consistent with strategic policy

There is significant strategic policy support for the establishment of community gardens and the provision of social and cultural infrastructure for the community.

The land is subject to the Public Park and Recreation Zone, where uses of the land should provide spaces for public recreation, open space activity, and commercial uses where appropriate.

It is understood that the community garden will be open to all persons to produce fresh produce and undertake their own gardening. As such, the use is consistent with the purpose of the zone.

The proposed use will help create and foster important community networks and is entirely consistent with the public reservation of the land. People meeting, socialising, gardening and fostering a community spirit is consistent with and complementary to the more traditional recreational uses of the land. It is also a use that can involve all age groups in the community from young children to the elderly and everyone in between.

Accordingly, the proposed use has significant strategic support.

##### 2. Enhanced recreation area

The proposed community garden use will result in the increased use of an under-utilised area of public land and foster a more active space.

Further, the land allocated to the community garden forms a small portion of the land at 29A Tulip Street, Sandringham, with the remainder of the land still able to be used for other more traditional recreational purposes, such as soccer, football and cricket.

Accordingly, the minor reallocation of a small portion of the public recreational land to a community garden use is consistent with intended recreational outcomes sought for the site and will result in a net community benefit.

### 3. Car parking

Concerns have been raised that the proposed community garden does not allow for sufficient car parking on the site.

Pursuant to **Clause 52.06-6** of the Bayside Planning Scheme, a community garden is an innominate land use which is required to provide car parking to the satisfaction of the Responsible Authority. The proposed community garden will replace existing parkland and the new activity will continue to be supported by the existing car parking spaces on offer in the reserve.

The two car parking areas within the wider park provide approximately 50 formal and additional informal car parking spaces. This will not overload the existing car parking arrangements or the adjacent on-street network, with the existing car parking infrastructure within Tjilatjirrin Reserve suitable to accommodate future members of the community garden.

### 4. Security and Operation

The proposed community garden will result in increased security and passive surveillance opportunities through the addition of security cameras and increased community activity within the area. The gathering of people in what is currently a relatively isolated pocket of the park will activate and improve surveillance within this part of the park.

The community garden is proposed to operate between the hours of 7am-Sunset, 1 April to 31 October and 7am-8pm, 1 November to 31 March. These hours of operation are generally designed to accord with daylight hours and avoid the more sensitive night-time periods. The proposed hours are deliberately limited having regard to the surrounding residential uses. Further, the limit of patron numbers to no more than 20 patrons at one time will ensure that there any noise impacts will be limited.

As a result, the proposed community garden will enhance security and will appropriately protect surrounding residents from any unreasonable detriment.

### 5. Sustainability

The proposed community garden use will foster important strategic policy and the social/community push to enhance the sustainability of society. The provision of a community garden will allow people to plant their own produce, support sustainable gardening, and reduce waste.

Accordingly, the community garden will result in sustainability benefits.

### 6. Enhanced community infrastructure

The proposed community garden will provide valuable social connection opportunities for the community and provide a community garden use which is uncommon within the municipality and will offer opportunities for all persons of any ability to engage in a sustainable community environment.

### **ADDITIONAL BENEFITS:**

In addition to the key merits of the proposal, the community garden use will have significant benefits, noting that the community garden:

- Provides for a use that is underrepresented in the municipality and therefore will provide an additional choice in terms of a recreational and community pursuit;
- Will add to the variety of community facilities offered within the municipality and on the site;
- Will allow people who have minimal garden space to grow their own sustainable produce;

- Will provide mental health benefits associated with gardening and socialising, which is particularly important given the impact of the COVID-19 pandemic on mental health;
- Will provide physical health benefits of adding additional community activities that will encourage community participation;
- Will reduce the environmental footprint and waste produced through the sustainable gardening outcome proposed.

**SUMMARY:**

Council officers have agreed that the extensive social, community, and sustainable benefits of providing the community garden represent an excellent outcome for the subject land, and thus should be supported.

The large number of submissions in support of the planning application is a rarity and reveals that there is strong community support for a community garden at this location.

In summary, the proposal seeks to activate underutilised land with the benefit of bringing the community together in a public area. With the various conditions that will be placed on the permit in order limit amenity impacts the proposal will achieve a significant community benefit and should therefore be supported.

External amenity impacts can be sufficiently ameliorated via permit conditions and other restrictions placed on the use.

The proposal should be supported.

**Item 4.3**

**9 Bartlett Street, Hampton East**

## 1. Mrs Margarita & Mr Vladimir Gutkin (O)

This letter is written regarding Application for a Planning Permit no. 7/2021 for a 3-storey apartment block at 9 Bartlett street Hampton East.

We are writing to object to this application for the reasons listed below.

### Inconsistent with neighborhood character

Bartlett street is a residential street with 1 or 2 storey dwellings (predominantly single houses and units) with pitched roofs. The proposed development is a massive 3-storey building with a flat roof which is not in neighbourhood character. It also has very limited communal outdoor open space.

### Traffic and parking

Bartlett street is already experiencing a high level of traffic and congestion. There are many cars parked on the street, making it hard for residents and visitors to park. These issues are worsened by the street's narrowness.

According to the floor plans, the proposed development at 9 Bartlett Street has 9 2-bedroom apartments, with underground parking. There is only 1 parking spot allocated for each flat. Further, only 1 spot is provided for ALL visitors.

According to the 2016 ABS Census, the average number of motor vehicles per family in Australia is 1.8. The underground parking provided in the plans (including the absence of a meaningful number of visitors' spaces) will be insufficient to accommodate the influx of new residents and visitors. This will place an unsustainable strain on street parking, negatively impacting existing residents. Increasing the number of residents by such a large amount will also

worsen congestion and create a high risk of traffic accidents, endangering residents.

### Risk of flooding

The proposed development is very bulky with the building occupying most of the territory of the block. There is very little open space left on the ground level and very little pervious surface. The proposed basement stretches from boundary to boundary. We are deeply concerned that the lack of water absorption will lead to flooding during heavy rainfall.

### Overshadowing

The massive size of this building (overall height of more than 11 meters) will create a big shadow during the day, taking natural light away from neighbouring properties.

### Overlooking

The residents of the street are not happy with the prospect of overlooking into their properties, from the upper level of the proposed building and from its rooftop.

### Overcrowding

The residents of the street are also concerned about the potential noise and disturbance that will be caused by potentially 25 or so additional people living in close proximity. Plus, there will be a high level of noise generated from 9 air conditioning units concentrated on one lot of land.

We are also concerned this development will exceed the capacity of existing utility services and infrastructure on our street.

### Financial impact on the owners of properties in our neighbourhood

In addition, I believe that the erection of this massive structure will significantly reduce the market value of dwellings on:

- Bartlett Street, and
- the parts of Oswald Thomas Avenue and Highbury Avenue that are close to this development.

Margarita and Vladimir Gutkin

## 2. Ms Eva Schulz (O)

The application submitted by Buckmaster Townplanning is in fact a **4-storey** development **plus basement garage**, and does not address planning requirements regarding

- overdevelopment of the site
- bulk
- lack of open space
- excessive height, including a fourth story (roof garden)
- minimum street frontage setbacks
- the overshadowing of neighbouring houses
- the loss of privacy of neighbouring houses
- housing density for the precinct
- the decrease in road safety for residents, due to Bartlett Street being a narrow road, already congested with cars parked by residents and non-residents during the day
- the loss of character and amenity for the entire neighbourhood
- 

This planning application and the response to the objections lodged demonstrate a severe lack of due diligence in their details, and a severe disregard for the amenity of the neighbourhood.

Furthermore, we see more and more young families moving into our area, and the parking congestion makes the streets very unsafe for children.

I appeal to Council to reject this planning application for an apartment block in the middle of a neighbourhood of single dwellings and townhouses, in order to meet planning requirements and to **preserve the safety and quality of life of current and future residents of the suburb of Hampton East.**

**Should this development be approved by Council, it would set a precedence for the deterioration of the amenity of potentially the entire suburb and the City of Bayside.**

### **3. Ms Robyn Grimshaw (O)**

I object to the planning application no.5/2021/7/1.

You have said the front fence will be 1.5metres or exceeding to what height.The photos of the completed building does not show the tree on nature strip that is directly in the middle of the building will it stay. The electricity pole will be so close to the purpose driveway as I am connected to this pole will it be moved. Just because it can be built doesn't make it right for this street with so many objections. I would hope the councillors have visited the street or site before a decision is made.

Kind regards  
Robyn Grimshaw

#### **4. Mr Philip Callil (O)**

I write to make a strenuous objection to the planned development at 9 Bartlett St, Hampton East 3188.

I live with my family at 26 Oswald Thomas Avenue, Hampton East. My parents and myself have been in the same street for over 60 years. We are certainly not against re-development but not this planned development exceeds any building design in the immediate area.

Our home is immediately at a diagonal at the back of 9 Bartlett Street. Three storeys in addition to a roof top deck is a major concern for the privacy of our home. Our house is built to face the back garden with over 80% glass window composition of the back walls. Our bedroom faces the back garden and was deliberately designed for this. If this development proceeds in its current form, we will lose any hope of privacy. Our bedroom windows are always open to the garden. These will have to remain closed or always screened because all privacy will be taken away.

The potential for overlooking will significantly impact on our ability to have quiet enjoyment of our private, open secluded space in our backyard.

The applicant of this proposed development has failed to provide any drawings that depict the overlooking and overshadowing that will result from the development. Given this, we are at a loss to understand how approval can possibly be given by either the Bayside Council or you as Councillors representing residents. There are no other three-storey buildings in the immediate area and the insult of having a roof deck on top of three storeys ensures that there will be no hope of privacy in our back garden. This represents a significant loss of lifestyle in our home.

Bartlett Street is a particularly narrow street and is already full of parked cars each night. With the commencement of a major apartment construction of 110 apartments 400 metres away together with already busy, narrow streets full of parked cars ensures a significant reduction in liveability in the area with the resulting major increase in traffic congestion. Over time, the added parking and traffic congestion will contribute to ultimately turning the area into a run-down tenement district rather than a niche pocket in once was the world's most liveable city. This proposed development will add to the congestion in an area already plagued with traffic gridlock around South Road on either side of Nepean Highway.

I repeat, this is not a letter of complaint against redevelopment. It is a letter of strong opposition to a proposed development that is excessive and has no precedent in the immediate area of Bartlett St or Oswald Thomas Avenue. It has not taken into consideration the loss of our privacy and that of surrounding residents who will suffer by the encroachment of the overlooking and overshadowing effect of a three-storey building with a roof deck.

## **5. Mr Mahesh Thiyagarajan (O)**

Dear Sir / Madam,

I strongly object the proposed plans for 9 Bartlett Street, Hampton East on the following grounds:

1. Bartlett Street is a narrow, curvy and small street and this proposed development would totally dominate the street and would obliterate the character of the street.
2. Parking and Traffic - Bartlett Street is quite a busy street on its own and you can already see quite a number of cars parked on the road making navigation harder during busy times. Given that there is only one allotted car park per household and with one visitor car, this is a recipe for chaos on the street. Even if 50% of the household has 2 cars, which is a fairly reasonable estimate and the same 50% has visitors over a weekend, this would be a major disaster when you combine this with the number of cars that pass Bartlett Street on a daily basis. Issuing parking permits is not going to stop people from parking in the evenings as the probability of a parking inspector inspecting at that time is very negligible. This can only have an impact during business hours, at the maximum. We want safer streets, not hazardous roads in the neighbourhood.
3. Overcrowding - We already have one apartment on the street. When the street struggles to cope with the existing traffic flow, there is absolutely no way it can handle the increased traffic and parking overflow from the proposed development. The street simply does not have the ability to handle the traffic load from the extra 9 dwellings

## 6. Dr Lidia & and Mr Arthur Xynas (O)

We make this written submission and reserve our right to be heard at the above noted meeting.

I, Lidia Xynas (together with my husband Arthur Xynas) are regular visitors to the adjoining property located at 7 Bartlett St, Hampton East 3188. We also stay regularly overnight at this property, in order to provide care, assistance and to enjoy the company of our son, his partner and their new born son who own and live at this property.

We formally objected previously to 'the Proposal' on 19/6/2021 and wish to reiterate our serious concerns with regard to the following matters:

### **Overshadowing Issues and Loss of enjoyment of the land in adjoining properties.**

- a. No consideration in the advertised plans has been given to overshadowing impacts across the homes that directly abut to the proposed development. It has just been left out. This impacts us directly because of our interest and association with the property next door to the proposed development located 7 Bartlett St, Hampton East 3188, which abuts the proposed development directly on the western side. The advertised plans also fail to adequately illustrate the existing outside entertainment deck located in the backyard of 7 Bartlett St, Hampton East 3188 nor do they illustrate the large French doors that open out into the backyard of 7 Bartlett St Hampton East 3188. The height of the proposed development and the many apartment windows of the proposed development facing the western side will also result in overshadowing and overlooking into this property, including the private open space at the rear of the property and various other habitable spaces and of course all the windows in the backyard and on the western side. This would amount to an unreasonable invasion of privacy and impacts severely on our enjoyment of the land as regular visitors. It will be very disturbing to us and not let us enjoy the land as we would expect and have an entitlement to do so.
- b. We argue that it is not unreasonable to have the applicant include overshadowing impacts on the immediate neighbouring properties. This is a residential street, and the very real impacts from overshadowing cannot be overlooked, and it would be unconscionable not to do so. Without these impacts being shown, informed decisions cannot be made by neighbours, councillors and other interested parties. There is a lack of transparency and this needs to be addressed.
- c. It is incredibly disheartening that the Planning Scheme does not mandate that developments of this large scale provide drawings of overshadowing and overlooking impacts. Despite this, I appeal to the Bayside City Council and the Councillors to require the applicant to detail the extent of overshadowing and overlooking. Without this information, the true extent and impact of the development cannot be ascertained.

### **The proposed development is not in line with many of the existing guidelines for Precinct 6, where it is located.**

- a. Under 5.6-2 Precinct Guidelines, the proposed development **does not** provide a transition in residential tenancies. There are no other 3 storey apartment complexes in Precinct 6 to our knowledge, and from our information gathered from driving around the area.

- b. The proposed development will dominate the street. It will be complexly out of sync with the existing housing. It is also covering most of the very small land size that it will sit on (639 square meters) and the advertised plans show only a very small area for landscaping. This is not in line with 5.6-4 Precinct Guidelines.
- c. The design is very simplistic, and not innovative at all. Again, this is not in line with the Precinct guidelines. This will take away from the existing beauty of the neighbouring area, where many new existing developments are high quality townhouses. Notably, this is what is the preferred type of housing for this area. As regular visitors to the street, it is not something we want to be faced with each time we visit, which is often. It will disturb us greatly.
- d. The very high 1.8 meter fence that is proposed is not in line with the Precinct Guidelines that provide for a *low* transparent type of fencing. Again, as regular visitors to the street, it is not something we want to be faced with each time we visit, which is often. It will disturb us greatly.
- e. The development has also failed to adhere to the required height and street setback distances. The encroachment into the boundary set backs is not due to a unique block space, but rather a deliberate attempt by the applicant to overdevelop the site.
- f. Council should require the development to adhere to the planning scheme setback requirements to prevent a blatant overdevelopment of the site and to avoid a negative precedent to be set. The applicant has failed to submit valid grounds to justify encroachment on the site boundaries and excessive height.

#### **Negative impact of Parking and Traffic**

A major concern for us as regular visitors to Bartlett St, Hampton East 3188 is the negative and detrimental impact that the proposed development will have on traffic and parking issues.

- a. We note that there is just one parking space provided per apartment in the proposed development advertised plans, but each apartment will have two bedrooms. This suggests that there will be at least more than one car per apartment. Where do these other resident cars go? On the street? What about visitors to the proposed development. Surely 1 visitor car spot for 9 apartments will not adequately cover the real requirements for visitors? We note that there would have been 2 visitor car spots provided had the proposed development been for 10 apartments. By only proposing 9 apartments, the applicants are minimising their obligations. This again seems to be very measured, and calculated to avoid proper consideration of planning requirements. Even so, parking on Bartlett St is already congested, and it is very difficult to find a parking spot at any time of the day currently.
- b. The street curves around, and parking on this street is already very problematic and can be quite dangerous. We note that where the proposed development is located, which is on the bend of the street, there is no available on street parking at all, as there is a solid white line there. We are very familiar with this issue, as we have mistaken parked too close to the end of the white line, and were issued with an infringement notice recently.
- c. More cars, more traffic and more parking congestion will be dangerous, and it frightens us to think of the extra dangers it will pose to us as visitors to the street. The extra car congestion and traffic that this proposed development will create will be very dangerous to all persons using Bartlett St. It is a very narrow street, and we have on many occasions had a number of near misses, when cars come around the bend right in front of the proposed development. If a car related accident occurs because of the extra congestion due to this proposed development – will the council take responsibility?

## **Conclusion**

We are extremely concerned about the proposed development at 9 Bartlett St, Hampton East 3188. We are very concerned about the severe impact it will have on us as regular visitors to the next-door property at 7 Bartlett St, Hampton East 3188. Our private enjoyment of the land will be disturbed, and our privacy severely impacted on. Parking will be extremely problematic, and trying to navigate the narrow street with more traffic on it will be very dangerous. We submit that 'The Proposal' is an overdevelopment which is completely out of line with the area, and the neighbouring properties.

## 7. Mr Anthony Foss & Ms Izobel Cox (O)

APPLICATION NO. PP 5 2021 7 1  
9 Bartlett Street HAMPTON EAST

Written Statement – **ICOX & AFOSS**  
Hampton East VIC 3188

October 19<sup>th</sup>, 2021

Dear Councillors,

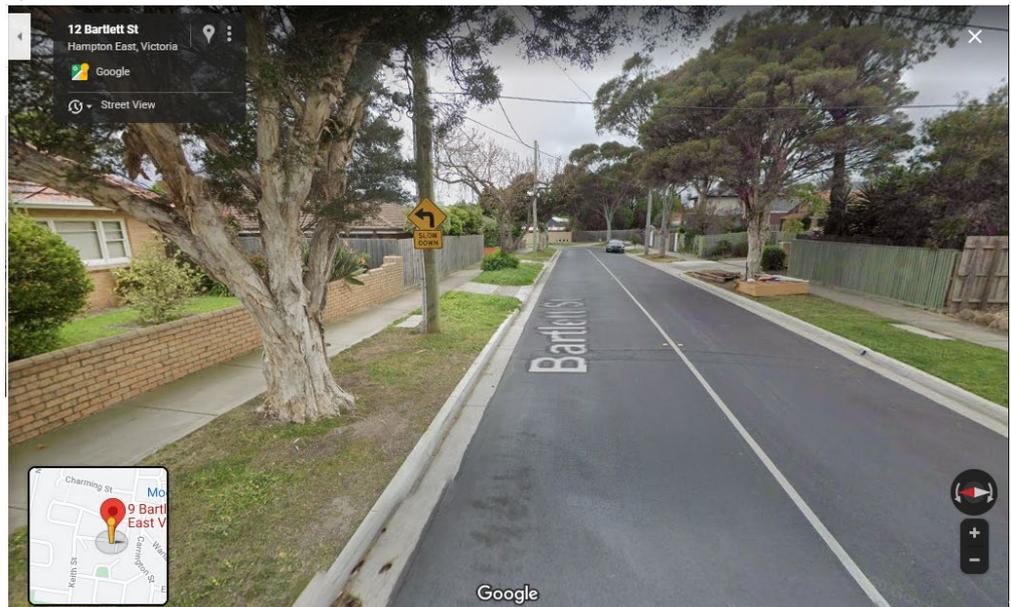
As long-time rate paying residents of Bayside in Brighton and Hampton East for 8+ years, we request that you thoroughly consider the below points in your review of the proposed planning application (PP 5 2021 7 1) of 9 Bartlett Street, Hampton East.

### Summary of our Concerns

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Traffic,  
Safety &  
Parking  
Constraints

- We have had several close-call incidents where it is either difficult to enter our driveway or exit. This is due to the nature of the bend and the through traffic speed of Bartlett Street. There is a blindspot to exit our property as parked cars obscure the capacity to see what traffic is coming – creating an additional level of risk in an already highly congested area. Adding another 9 residences to the street with 9 car spaces (1 for visitor parking) in a basement completely disregards the access and use of Bartlett Street by other residents – including those in the immediate residential area in Keith St, Apex Ave, Leonard St, etc.



- As permanent residents of Bartlett Street, we consistently experience cars from the block of 12 units park illegally (see google maps photo above where this is

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*evidenced!*) on single line or in front of our residence or nature strip and an additional 9 residences would go beyond making the street liveable with additional cars parked on the street– particularly at night when most people are home. This impact to the neighbourhood has not been considered in any traffic report submitted with the developers planning application.

- We would anticipate that due to the size of the proposed apartment complex, it is highly probable that visitors and residents would overflow beyond the car spaces allocated in the basement – creating even less space for through traffic and access to our property with cars lining an already congested, narrow and curved street.
- Bartlett Street is treated by other Hampton East residents as a thoroughfare; and already there is overflow of parked cars on the street at night from existing dwellings every night. Most residences are multiple car families, and the high-density flats also seem to have limited parking options for residents which results in overflow within the narrow street today.

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Building  
Density

- The size of the block is too small to adequately accommodate 9 apartments on a block of 639sqm. This density of residences seems excessive considering that previous and similar concerns <9 months ago were raised at another property in Bartlett Street at the recently approved 1 Bartlett Street site on a site at 739sqm. This site was approved for a smaller number of dwellings for the reason it provided “transition to residential areas” – but was acknowledged publicly at its council approval on **January 28<sup>th</sup>, 2021** by councillors to ‘be in violation of the provisions 5.6.3 as part of Schedule 1 to the Activity Centre Zone (ACZ1)’.
- This previous application to grant a permit overlooked the ACZ1 objectives and provisions. **This does NOT set a precedent that this can happen with every subsequent development in the immediate area.** Again, we find ourselves not but 9 months later, in the same position with a planning permit in further and more significant violation of these provisions. Councillors should thoughtfully consider this when assessing the plans and significant objections made by residents living in the area.
- In addition to the violation of Schedule 1 provisions, the proposed density of this development is in direct contrast to the established dwellings along both sides of Bartlett Street of existing duplex developments and single storey houses. **All existing dwellings have adequate front garden spaces.**
- Overdevelopment for “affordable housing”, or perhaps more specifically, councillors “not wanting to see developers end up in VCAT” (stated publicly on the record by councillors on live video stream on *January 28<sup>th</sup>, 2021* at the approval of 1 Bartlett Street, Hampton East planning application) does not negate the need to make the street liveable for existing residents and is a complete over-reach of existing boundaries of the ACZ1. Elected councillors should be mindful of statements that are **made on the public record are noted and recorded** and can be submitted for evidence.

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Violation  
of existing  
planning  
rules

- The precinct requirements in the ACZ1 seeks a minimum building setback of 6 metres from street frontages. The proposed development does not comply with this requirement and violates Bayside Council’s statutory planning rules. This is further evidence that the proposal is an overdevelopment of the site in order to

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maximise the number of dwellings and is a poor response to the neighbourhood character of the area.

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Look &  
Feel of  
Bartlett  
Street

- The general design is not at all consistent with single and double storey dwellings in the remainder of the street and of established properties throughout Precinct 6, and we object to the commercial materials and concept in the design. It looks like an **office complex** with a rooftop garden – not a residence in line with any others in the immediate vicinity of Bartlett Street.
  - The redevelopment of the site would be less of a contrast if the size and density was more considered and not be as jarring with a condensed monolithic 3 storey building. This should be a consideration in approval process – most of the houses in Bartlett street are rendered and narrow in length to account for garden frontage and appropriate use of space of the blocks.
  - The site should easily accommodate a duplex building, but 9 apartment units is excessive on the developers and Bayside council's behalf to even consider this for public review and objection highlights a desire by both parties to maximise the profit margins and council rates revenue. We believe that the current proposal has disregarded the liveability of the existing residents, traffic flow and use of Bartlett St and has the very high potential to adversely impact the liveability of the area.
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Regards,

Anthony Foss & Izobel Cox.

Residents of Bartlett St, Hampton East.

## **8. Mrs Kathryn Ramanathan (O)**

I have submitted a previous objection (688173) to the development of 9 Bartlett St, Hampton East and would like to take the opportunity to further support that with this statement.

Based on the developer's response, it was noted that the initial proposal was for a two-townhouse development. However, it has been revealed that Bayside Council recommended a high-density development to be considered, in stead of the initial proposed development of two townhouses. A two-townhouse development is in line with typical developments of the neighbourhood, supplying family homes, less congestion and is in keeping with the streetscape.

As a resident who will be directly, and negatively impacted by the proposed development it is extremely disappointing that it was Bayside Council who recommended this inappropriate and excessive proposal. Given the high number of objectors to this development, I am not alone in feeling this way, even though some objectors are not directly next door or adjacent to this property - that speaks to how inappropriate this proposed development is.

I wish to understand how Bayside Council believes they can be objective in reaching a fair and reasonable outcome based on what appears to be skewed consideration and approval of such high-density developments on small parcels of land over the consideration of existing residents. This is further evidenced in the way the development has applied the very minimum requirements when considering screening of overlooking windows and placement of noisy, multiple split system air conditioning units as a cheap solution. Its also unacceptable that a 4-storey including rooftop entertaining area has been able to get support from council on that site. This solution, in our case, has three levels of balconies and minimal screened windows overlooking our home and property. The ground floor has at least two residences less than 3 meters from the fence with entertaining areas. This in contrast to the extremes the proposal has been allowed to go in terms of scale and sheer number of units on the allotment. Furthermore, the developer has stated that the zoning is commercial and therefore do not require shadow drawings. This is an imbalance as I was required to submit shadow drawings in 2018/19 when applying for a building permit for a garage on my property and was required to support a design that was in line with the neighbourhood in terms of height, set back. We are not located on Nepean Highway; the site is not appropriate for the proposed structure.

I question how the local government representative is supporting existing residents and their best interests.

## 9. Mr Alexander Xynas & Ms Bethany Miles (O)

We refer to the above matter and wish to raise our significant concerns in relation to the above proposed development. We have made objections to the Council on 18 June 2021 and 30 September 2021 and wish to maintain our objections contained within our various letters.

The purpose of this letter is to summarise our main objections and highlight to you various issues with the proposed development that must be addressed prior to any decision or being made. In addition to our below submissions, we also would like to reserve our right to be heard verbally at the Committee meeting.

### 1. Overshadowing and overlooking information must be disclosed –

Both the Council and Applicant have admitted that:

*“there will be some additional overshadowing to the adjoining properties to the east and west at the start and end of the day, the majority of overshadowing will occur to the south of the site and within the street”.*

It is concerning that both Council and the Applicant have used the exact same terminology in their attempts to detail overshadowing impacts. This raises significant concerns in relation to the impartiality and independence of Council from the Applicant.

It is clearly not in dispute that overshadowing will result from this development. What is not known, is the extent of overshadowing that will occur. The assertion that *“...the majority of overshadowing will occur to the south of the site”* is unsubstantiated and is not supported by any form of evidence.

It is our submission that the Applicant must be compelled to provide drawings detailing the extent of overshadowing and overlooking that will result from this proposed development. Without this information the Council, the Councillors, ourselves and other neighbouring residents are unable to make an informed view on the true impact that this development will have on neighbouring properties.

We note that the Planning Scheme fails to require for this information to be disclosed for developments of this nature. It is however noted, that townhouse developments in Precinct 6, must disclose this information.

It is submitted that due to the unique location of 9 Bartlett Street, and the fact that this proposed development is surrounded by numerous single and double story properties, overshadowing and overlooking concerns are of primary importance for residents. This proposed apartment development is not in the vicinity of a commercial area and is instead located directly in a residential street and area. It would be manifestly unreasonable for the applicant to not be compelled to disclose details regarding overshadowing and overlooking. Overshadowing and overlooking concerns seems to be a common point of objection amongst immediate residents. This cannot be ignored by Council or Councillors.

We hold significant concerns in relation to the extent of overshadowing and overlooking impacts for our property located at 7 Bartlett Street, Hampton East 3188 (“our Property”). We have numerous habitable windows along the eastern, front and rear of our Property that are in close proximity to the proposed development site boundary. The extent of loss of light, overlooking and overshadowing is not known, as this information has not been provided.

We also have our sole outdoor secluded entertaining area at the rear of our Property. This includes a raised outdoor deck and backyard area. Again, the extent of overshadowing of overlooking on these important areas is unknown. The Applicant has private north facing rear gardens and balconies for the residents of the development, however the provision of these areas is to the direct loss of our private enjoyment and use of land and private open secluded spaces. Our right to private enjoyment of our land and privacy will be impinged upon by this proposed development.

Further details and photographs of our overlooking and overshadowing concerns have been previously outlined in our letter dated 18 June 2021.

## **2. Inaccuracies of Advertised Plans –**

As you may be aware, the Applicant was required to submit amended plans due to numerous errors, oversights and inaccuracies in their original submitted documents, which included but is not limited to:

- a) Failure to detail current fencing between the development and our Property;
- b) Failure to detail habitable windows on our Property;
- c) Failure to detail private open secluded space on our Property;
- d) Errors in the plans indicating that the development was for “two units” not 9 apartments;
- e) Failure to accurately include the current trees surrounding the property; and
- f) Errors within the Planning Report indicating that there will be 11 car spaces.

The amended plans have failed to address points a) and f) above.

### **a) Failure to detail current fencing between the development and our property**

The Applicant has again failed to consistently and accurately detail the fencing on the west boundary of the proposed development. At page 15 of the amended plans, the Applicant has indicated that the 1.6 meter existing fence extends to the street frontage (see Image 1 below).

Image 1 –



As previously outlined in our objection dated 18 June 2021, the existing fence transitions down to a height of 1.2 meters towards the street frontage of the adjoining properties. Consequentially, the Applicant has continued to fail to detail and indicate how privacy will be maintained and overlooking and overshadowing will be eliminated or reasonably minimised between the properties, whilst still maintaining an openness with the streetscape. Council should be aware that a further habitable window is located at the front of our Property, and that the Applicant has proposed a sole private open secluded space for apartment number 1 in a position that would directly overlook the aforementioned habitable window.

## **3. The Proposed Development is not consistent with the neighbourhood character –**

The proposed development does not represent a ‘transition’ of housing types from the core of the centre to the established areas outside of the Structure Plan Boundary. A development that comprises of a basement, 3 levels of residential housing and a rooftop dining/entertainment area, presents itself as a development that is out of character.

Consideration must be given to the specific and unique location of 9 Bartlett Street, Hampton East 3188 and I encourage Councillors to view the street themselves personally.

The street scape of Bartlett Street, and in particular the north side of the street (where the proposed development is situated) largely comprises of units and townhouses that are located on land that has already undergone subdivision. In fact, the only remaining property on the north side of Bartlett Street, that has not been subdivided is our Property at 7 Bartlett Street, Hampton East 3188.

The fact that the housing in the immediate vicinity of the development has already undergone subdivision and development effectively limits the ability for future apartment developments to be constructed in the area. The available land size is simply no longer available.

Therefore, if the proposed development were to be approved it would remain as the sole development of this size and nature (apartment) in its immediate vicinity. It would represent a development that is not in keeping with the neighbourhood character or streetscape and would not represent a 'transition in housing types'. It would simply be an isolated apartment complex surrounded by single level residential homes.

A development of this nature and large bulk size fails to represent 'modest' residential infill and is not reflective of the nature and character of the area. The proposed development will dominate the streetscape and represents an overdevelopment of the site.

A development of this scale in Precinct 6, in the specific location of 9 Bartlett Street, will not be in keeping with the neighbourhood character nor adhere to the preferred building typology for this precinct.

#### **4. Failure to adhere to setback and height restrictions –**

The Proposed Development has also failed to adhere to the various requirements in relation to building height and setbacks. The Applicant has failed to adequately address these concerns within their amended plans.

The assertion by the Applicant that the site is 'splayed' is an over exaggeration and misrepresentation of the true nature of the site. The block is not splayed in nature. The applicant should be required to adhere to the setback requirements to ensure consistency of developments within Precinct 6 and to ensure that positive precedents are maintained for future development.

The Applicant has exceeded the minimum setback requirements to ensure that the apartment room sizes meet the minimum specifications to the exact measurements. This appears to be a calculated effort of the Applicant to disregard the parameters of the planning scheme in order to overdevelop the site. The Applicant's attempts to justify this on the 'splay' of the block is unjustified and misleading.

The excessive heights of the proposed development will also further increase the dominance of the development in the area and potentially increase overshadowing and overlooking. We reiterate that we are unable to form an informed position in relation to the extent of overlooking and overshadowing as these have not been provided in the submitted drawings to date.

We further maintain that the Applicant's attempts to amend the front fencing still fail to maintain an openness with the streetscape due to its excessive height. We note that the planning scheme requires the use of 'low, transparent front fencing'. The proposed fencing as indicated in the amended plans fails to meet the standard of 'low'. A 1.8 meter fence is not 'low' in nature and is considerably higher than surrounding property fencing.

#### **5. Loss of development opportunity –**

The large visual form and proximity of the proposed development to the site boundaries will adversely impact on the future development opportunities that exist for neighbouring properties.

By way of example, if we wanted to develop our own property located at 7 Bartlett Street, Hampton East 3188, which is directly next door to the proposed development into a townhouse development in the foreseeable future, there would be significant hindrances on our ability to do so, due to overlooking and overshadowing requirements that apply to townhouse developments. We also note that townhouse developments are the preferred building typology for our property and Precinct 6.

We are effectively prevented from utilising the opportunities that our land offers due to the proposed development. We recognise that the applicant should be afforded the opportunity to develop their land, however, this should not be to the direct loss and detriment of other land users. The allowance of this would be inequitable, unjust and manifestly unreasonable in the circumstances.

**6. Increase in noise (Private Nuisance) –**

We accept that the proposed development will require the use of AC and heating units, however, the sheer number and location of these units will result in a private nuisance. The Applicant should consider alternative locations for these units to limit noise and vibration (they could be relocated to the roof rather than along the side boundaries). Alternatively, the Applicant should consider alternative options to heating and cooling, potentially including the use of larger systems and fewer units that can service the developments (with these units to also be located in more appropriate locations) to minimise noise and vibration. The immediate area surrounding the Proposed Development is of a residential nature not a commercial one. We refer to our 21 June 2021 objection and repeat our objections in relation to the installation and use of AC and heating units on the proposed development.

**7. General Community Concerns –**

**a) Other residents not informed of amended plans and/or Council meeting**

I have recently been personally approached by an immediate abutting neighbour to 9 Bartlett Street, Hampton East 3188, who raised concerns with me raising in relation to the progression of this proposed development. I have not identified them for privacy reasons.

Previously, this neighbour had submitted an objection in person to Council, however, since that time he informed me that he has never been provided a copy of the amended plans or response from the applicant. Further, he also informed me that Council failed to inform this resident of this meeting.

Despite this neighbour emailing Council, he has informed me that a response was not received. It was only when the neighbour reached out to a Councillor directly, did he receive an immediate response from Council and then invited to join this meeting.

The Council knew of the Applicant address, however, failed to send any correspondence to them via post, citing COVID as the reason. This is unacceptable in the circumstances. The Council should recognise that not all residents utilise email and are competent in their use of digital and computer devices. It is unknown whether any other residents have been 'forgotten'. This is unacceptable in the circumstances and as a result has prevented all affected residents from having enough time to obtain advice and form a position in relation to this proposed development.

Due to the Council's oversights, it may be required that the Council allow for additional time for all affected residents to obtain professional advice in relation to the proposed development. The errors and failures of Council does not provide for procedural fairness to all affected residents.

**b) General Community Response**

Unfortunately, due to the Council offices being shut due to COVID, it has not been possible to view other objections in relation to this proposed development. Nevertheless, it is apparent that this proposed development has resulted in significant community concern and objections, with in excess of forty objections being raised to date.

It must be noted that this proposed development is in a quiet and secluded residential location of Hampton East and is would not be widely known by the greater community. Despite this, this proposed development has resulted in a large number of objections, far outweighing the number of objections for other much larger developments in areas with much greater visibility and foot traffic.

We submit that Councillors should take the large number of concerns of their constituents into account in any decision that they make. There is clear community concern and objections in relation to this proposed development.

We appeal to all Councillors, and in particular, Deputy Mayor and Ivison Ward Councillor, Councillor Sonia Castelli, to listen to their voters and views of the community as a whole.

Kind regards, Alexander Xynas & Bethany Miles

## **10. Ms Anne Prezens (O)**

I objector to the application as I believe this build is not in line with the surrounding area for privacy and restricts residents.

## **11. Mr Stephen Hughes (O)**

Dear Bayside Council,

I live at 29 Oswald Thomas Ave, Hampton East. I have actually lived in this street nearly all my life, from when I was born to my mid-twenties. I have now purchased the house I live in with my wife and two teenage children. I am writing to you because I have become aware that a three-storey building with a roof deck has been approved by Council, at 9 Bartlett St, Hampton East, despite 50 objections from local residents. Although the property does not back on to my own property, I am concerned that the property will effectively ruin the privacy of the families who live across the street from me. I think it's extremely unfair for these home owners, who have bought their houses in good faith trusting that they will be able to enjoy the privacy of their own backyards, to have such a three-storey building towering over what should be a place where they ought to be able to have some privacy. Of particular concern, the proposed three storey building is immediately adjacent to houses with very small children. I can't imagine how upsetting it must be for the parents in these households to know that their children will no longer be able to enjoy their backyard in privacy, and that every time their children play in their backyard, it will be relatively easy for strangers to observe them.

On a different note, I am also concerned that Bartlett St is a relatively narrow street that is already very crowded, especially at peak times. The construction of 9 apartments on a single block of land will create an unnecessary, and highly undesirable amount of additional congestion.

I appreciate that Bayside Council wishes to facilitate development in the area, and that developers stand to make a significant profit from developments such as these, however I need to appeal to your sense of family values. Families in this area do not want developments such as these. Developments such as these will drive families out of the area. I ask that you reconsider your approval of this development, and consider reducing its scale to one or two storeys at most, and 3 to 4 apartments at most.

Kind regards,

Stephen Hughes

## **12. Mr David Hughes (O)**

The proposal to have a communal roof deck on a three-storey building is a surreptitious ploy to achieve a fourth storehouse,, which is inconsistent with the Activity Plan. The development is for too many apartments on a limited site.

### **13. Mr Matthew Buckmaster – Buckmaster Town Planning (A)**

19 October 2021

Bayside Councillors  
Bayside City Council

#### **Request to be Heard**

**9 Bartlett Street, Hampton East**

**Planning Application: 5/2021/7/1**

**Construct a three (3) storey apartment building including 9 apartments, basement, roof deck and a front fence exceeding 1.5 metres**

Dear Sir/Madam,

I write on behalf of WJFA Architects, who are the permit applicant for the planning application at 9 Bartlett Street, Hampton East.

The site is located within the Hampton East (Moorabbin) Structure Plan area and is within the Activity Centre Zone. The purpose of the Activity Centre Zone (schedule 1) is to *'deliver a diversity of housing at higher densities to make optimum use of the facilities and services'*. Precinct 6 within the schedule also encourages densities that are greater than what currently exists. Specifically, the objectives of the precinct are to:

- *Provide a transition in residential densities from the core of the centre to the established areas outside the Structure Plan boundary.*
- *Retain and preserve backyardscapes and strongly encourage the use of front and backyard landscaping.*
- *Encourage modest residential infill with streetscape qualities and backyardscape aspect.*

The proposed development has been designed in accordance with the precinct guidelines to deliver additional housing opportunities within the structure plan area at a scale that is appropriate to support a transition to the residential development located outside of the structure plan area. In particular, we note that:

- The proposed building is consistent with the preferred scale of buildings and setbacks of Precinct 6.
- The building is well articulated and provides an appropriate mix of materials and colours.
- Substantial landscaping is provided, including the provision of canopy trees within the front and rear setbacks.
- The development also provides a high level of compliance against clause 58 – Apartment Developments.
- The provision of car parking provided complies with the requirements of clause 52.06 – Car Parking.

We understand that a small portion of the community are unhappy with the development and would perhaps prefer to see lower density developments in their area. However, such an outcome would not be consistent with Council's adopted policies or the Bayside Planning Scheme.

Given that the proposed development is consistent with the Hampton East (Moorabbin) Structure Plan, complies with the precinct guidelines of the Activity Centre Zone (schedule 1), along with clauses 58 and 52.06, we respectfully request that you support the planning officer's recommendation to approve the proposed development at 9 Bartlett Street, Hampton East.

Kind Regards,

Matthew Buckmaster MPIA  
Director  
**Buckmaster Town Planning Pty Ltd**  
ACN 626 773 868

**Item 4.4**

**23 Tibbles Street, Beaumaris**

## 1. Miss Tuyen Trigg-Graynoth (O)

To whom this may concern,

I would like to lodge a formal objection to the proposed development of 23A Tibbles Street Beaumaris (planning permit 5/1999/4849/1). This document details my concerns for the proposed development.

My concerns are as follows:

- Under Clause 43.02 subsection 1.0 Design objectives, the maintenance of the local street character will be compromised. The proposed offensive and harsh geometric design for the is completely out of character with the current street dwelling designs as well as the back unit on the same plot. We already have a concrete monstrosity recently built in the street at 28 Tibbles Street which is out of line with the beautiful and diverse yet traditional designs of the preexisting houses. We do not want, nor need, another building of such grotesque appearance in our street. This new dwelling will only continue to erode the unique character of this street, violating the 22.06 Neighbourhood Character Policy which for reference, the similar proposed grotesque design for the development of 26 Erowal Street Beaumaris was rejected on these grounds 08/06/21.
- Under the same clause 43.02 subsection 1.0 Design objectives, the height of the building is a major concern for surrounding houses, particularly houses 25A and B, 21 and 23B. As clearly shown in Drawing 8 - Shadows - gam, 22nd September, the elevation of the proposed new development casts a long shadow of property 21, blocking out a large portion of their sunlight. The shadow drawings presented also do not account for different times of the year when the shadow created by the proposed dwelling will hit and its size. Not only will it impact the lifestyle of the residents of house 21, it will affect their plants. They have a variety of vegetation including fruit trees which grow along the fence and will be put their life at risk. On Drawing 5 showing the Proposed Upper Floor plan, you can clearly see that windows 19 and 20 look directly into the front garden of house 21 where their young children frequently play. It is a violation of their privacy and the safety of their children.

Window 24 looks directly in the back garden of house 21 and the front garden and living room of house 23B. In the back garden of house 21, they have a pool frequently used by their young girls. It is absolutely out of order to have a window which looks directly into that area is a complete and utter breach of privacy. For 23B, it looks directly into our living room. I worry about the fact that me and my family will be completely vulnerable to the eyes of residents in 23A. Not only would they see two adults, but myself, an 18 year old female and my 16 year old brother who is a minor. As a young woman, I feel especially uncomfortable at the idea that I can be watched and potentially perversely stared at in a room where I am meant to feel comfortable and safe. I ask you, where else am I to feel safe if not my own home?

For house 25A, the shadows the proposed design will create was completely disregarded. On the planning permit, it was recorded that this house is a double storey dwelling when in fact it is a single storey. To this date, this mistake is yet to be amended.

For 23B where I reside, it will block a lot of our natural sunlight and make us feel boxed in. If there is any reason to deny the plans, it is this. The unit is small as it is and to have a great big building in front of us is extremely claustrophobic. As someone who already has a medically diagnosed anxiety disorder and seeks professional help, the idea of having a two storey house blocking one of our major windows in the house that is not blocked by other surrounding houses is suffocating and stifling. I would hate to think that you would allow plans that will compromise a person's mental health to be accepted. Not only are we already boxed in by 21 Tibbles Street's two storey house, but we would be further confined by one in front of us. In addition, there are already windows in the 21 Tibbles Street house which overlook the aforementioned front window and allow residents of that house to look into our house. Instead of looking out to trees and open skies, we will be forced to look at an invasive concrete slab. I am aware that the second storey will only be at the front of the house, however that does little to pacify my growing anxiety and stress. This subdivided plot was not meant for a two storey front unit and a single storey back unit as it essentially confines the residents of the back unit. We have chosen to live in this house for almost 14 years because of the way our lifestyle has been embraced by the design of this property. We feel free and at ease by the safety a back unit provides from home invaders and other unwanted visitors. The view from our front window is calming and serene. It would be absolutely unfair for you to rip that away from us and degrade another family's living standards so the self entitled owners can live comfortably with a second living room, bathroom and two guest bedrooms. I will not stand for being forced to lower my living standards and jeopardise my mental health in my own home that I have grown up and resided in for almost 14 years. I feel violated and dehumanised at the idea that I am potentially going to be subjected to the construction of a towering building which will diminish my quality of life which goes against my rights as a basic human being.

- Street Rhythm - under the same clause, construction will totally disrupt the street traffic. As you may know Beaumaris North Primary School is the next street over and creates a lot of traffic from school pick up. Construction will only increase traffic in our street, making parking and movement into and out of the street almost impossible. We have already experienced this from the construction of house 28. On multiple occasions, my mother and I unable to enter the street from Morey Road as there were tradie vehicles parked on either side of the street and multiple trucks blocking the road. We had to wait 10 minutes for the trucks to move so we could enter our street. As our house is the back unit of the proposed dwelling, the traffic is expected to be much worse. This will essentially block our route home and make entering and leaving our home practically impossible.
- Vegetation - There are no plans to include or areas where vegetation can be planted. We have seen plenty of native flora carelessly removed because of new developments which the council have thoughtlessly approved. This again, ruins the character of the street as we are a street that is well decorated by a variety of plants. Not including any vegetation destroys the environment and puts native fauna at risk. We also fear for a native tea tree on the corner of the property. There are no

plans for its protection or replantation in the plans, thus breaching the Vegetation Protection Overlay Schedule 3. Once again, the proposed development of 26 Erowal Street Beaumaris was also rejected on these grounds 08/06/21.

- Noise - I am a university student. Due to the current COVID-19 environment, students have been forced to continue online learning and testing. Construction work would majorly disrupt and negatively affect my learning. I am in my first year of my bachelors of forensic science and criminology course which is an essential year for establishing a foundation knowledge of my courses which is thus essential to the rest of my learning and my future career. How can I be expected to sit exams when there is loud and disruptive construction occurring barely meters from my work table. During my previous exam period, there was construction work occurring at house 28A and although they are at least 5 meters away, it was still loud enough for me to hear and become distracted. It will be impossible to learn properly and it is preposterous for me to be expected to learn with construction work happening less than a meter away from our house.

For these concerns, I plead for you to use your position for the greater good and support my neighbours and I in preventing this monstrosity of a build. Please keep these reasons, which are proven grounds to reject a planning permit, in mind when coming to your decision on the 20th of October. As you will surely come to learn, the construction of this unpleasant building will compromise more than just the life quality of my own. As my neighbour Peter at house 21 already mentioned in a letter to you all...there are a number of properties in the street with either recently deceased or elderly owners, unchecked development the likes of which have been submitted here, and previously approved by council are fundamentally changing the streetscape and the very nature of living in a quiet, quintessentially Beaumaris street in the 'Golf Course' precinct.

So please read my reasons with careful consideration and kindness. Thank you for your time :)

Sincerely,

Tuyen Trigg-Graynoth

## **2. Mrs Jane Baker & Ms Judith Pittard (O)**

To Whom it may concern,

We wish to object to the planning permit that is current for the above property on the following grounds:

- We have been advised by our managing real estate agents that the redevelopment of this part of the block will detrimentally affect the value of our property by \$100 000 plus as a result of an imposing two story building being built on a very small piece of land with overlooking windows. The feeling of space and light will be negatively impacted.
- The residents of 23B and surrounding properties will be overlooked from the second story of the new building negatively impacting their privacy.
- The building of a two-story unit on the site will result in a loss of light to the property at 23B and other surrounding properties.
- In order to demolish the original building and construct the new building there will be significant inconvenience, noise and mess which will impact on the residents of 23B. As the brick wall of the current unit forms the boundary wall of the drive-way we do not see how the residents of 23B will be able to access their driveway and property. Who has the responsibility to ensure that there is no trespass on to the driveway of 23B?
- By increasing the capacity of the unit on 23A there will be more cars fighting for already limited parking in Tibbles Street.
- By allowing this construction the precedence will be set in the street for other similar dwellings, thus further increasing the density of population in an already crowded area.

For the stated reasons above we believe the planning application in this matter should be rejected.

Jane Baker and Judith Pittard

### 3. Mrs Elizabeth Trigg (O)

To whom this may concern,

My name is Elizabeth Trigg and this is my objection submission detailing my reasons as to why the planning permit 5/1999/4849/1 for 23A Tibbles Street should be rejected.

1. Street character - Under Clause 43.02 subsection 1.0 Design objectives, the development of a house should not affect the existing street character. The design for the proposed development is completely out of character for the street. It is in no way, shape or form, cohesive with the design of the back unit which only emphasises the disparity between the proposed design and the architecture of existing houses in the street. In specific, this violates the 22.06 Neighbourhood Character Policy. A planning permit for a similar discrepant design for the development of 26 Erowal Street Beaumaris, the next street over from Tibbles Street, was rejected for the same reason 08/06/21.
2. Windows - Window 24 looks directly into my front living room and front garden. That is a violation of my family's privacy. I have two young children and I do not feel comfortable with having our front neighbours being able to watch them in a place they should feel safe. Especially my daughter.
3. Sunlight and view from front window - The proposed second storey of 23A will block our sunlight and view from our front living room window. This will make us feel even more boxed in then we already are as a back unit. House 21 to our left already blocks us in, having a second storey on the front unit would only serve to suffocate us. Sunlight loss and shadowing is also a concern for other houses such as 21, 25A and 25B.
4. Noise - My fellow residents and I have already put up with the astronomical noise of construction from house 28 over the past 18 months. You can only imagine how much worse this will be for us if the construction is practically at our doorstep. My daughter and son are both learning online, my daughter for the foreseeable future. They can not learn effectively with extremely disrupting noise, nor can they be able to get a decent amount of sleep. Construction at house 28 would start from 7am but the noise would start at 6:30am, waking up my kids before they could get their recommended 8 hours of sleep. My daughter was in year 12 at the time and on multiple occasions she complained to me about the noise levels.
5. Street rhythm and parking - the redevelopment of 23A endangers movement in the street and traffic. When house 28 was being constructed, tradie trucks and vans would block up the entire entrance to the the street from Morey Road. On multiple occasions I was unable to get to my house because my car could not drive up the street. This was only worsened by school pick up. Many parents park their car in our street to pick up their children from Beaumaris North Primary School one street over. Construction will only congest the street more. And as the back unit, entrance to my house is not guaranteed. We are barely able to enter and exit our driveway as it is. There are residents who park their car on the road to the left, right and opposite our driveway regularly which makes movement in our driveway extremely difficult as

it is. So imagine those cars already being parked there, with the added tradie vehicles. It will be impossible to get into and out of our house. This is again a violation of clause 43.02 subsection 1.0 Design objectives.

6. Native flora - Many of my neighbours and I fear for the safety and protection of a native Tea Tree plant on the front corner of the 23A property. There are no plans in the drawings of the property to keep or protect this plant. The plant is protected by the Vegetation Protection Overlay Schedule 3 and is therefore not allowed to be removed or must be replanted. In addition, there is not nearly the amount of vegetation on the property in the designs as there are currently. This destroys the environment and natural habitat for our native fauna. Similarly, the planning permit for 26 Erowal Street was rejected under near identical circumstances.
7. Incorrect plans - There are a number of false observations on the planning permit documents. Such as the observation that 25A is a double storey dwelling. It is in fact a single storey dwelling. It was claimed to be otherwise so it will 'not be affected by shadows' created by the proposed second storey. Such corrupt and deceiving planning should be intolerable. Even after this mistake was brought up in a previous council meeting mere months ago and was promised to be changed, it has still not been amended.
8. Windows into house 21 - I express my concern for the privacy and protection of the young primary school aged children of house 21. There are multiple proposed windows which look into the children's bedrooms, the front garden where they play and the back garden where they swim in their pool. It is an absolutely disgusting invasion of privacy and would be even more grotesque to allow these plans to go forward. On multiple occasions, the parents in house 21 expressed their discomfort with the placement of these windows and were repeatedly dismissed. As parents, they have a right to protect their children. As a parent myself and I'm sure you all would understand as possibly parents yourselves, I would feel the same amount of discomfort if my children could be watched in their bedrooms and whilst they play.

I urge you to listen to the pleas of the street. We elect you to use your power to protect us from harms such as this. We need you now more than ever. Please read my concerns and my neighbours' with empathy and sympathy, as parents and human beings yourselves. The proposed development of 23A will affect more than just my life, but the native wildlife we pride ourselves on as a country, the upbringing of our local children and the natural rhythm of our unique street.

Kindest Regards,

Elizabeth Trigg

#### 4. Mr Peter Bainbridge (O)

##### To Whom it May Concern:

With regard to Agenda Item 4.4 23 TIBBLES STREET, BEAUMARIS NOTICE OF DECISION OF GRANT AN AMENDMENT TO A PERMIT 1999/4849/2 WARD: BECKETT, I would like to highlight the distress my family and I are feeling at the seemingly foregone conclusion that Council will recommend to grant a permit allowing this application to proceed.

This decision either ignores the previously raised objections entirely or addresses them completely inadequately. I have lived in Beaumaris all my life, my parents and I have been rate payers and voters in Beaumaris for many decades. I am disappointed, frustrated, angry and disillusioned that when we need the council to help us it appears that Council is seemingly doing all in its power to support the applicant, rather than those who are only trying to protect a lifestyle which we have spent our lives working to achieve.

Amongst the concerns we feel have not been addressed adequately is what Council seems to trivialise by calling it 'overlooking'. I again request that council looks into this issue. The applicant plans to build a structure that will look into both our back and front yards. This is where our young children play and swim, it is not acceptable to have a direct line of sight into these areas. We have requested in our previous submission that windows be altered or frosted which we believe is an entirely reasonable request.

The agenda document for the meeting notes on Page 201 Point A15 that 'All windows have been appropriately screened and sited to ensure there is no overlooking to the adjoining habitable room windows and private open spaces'

We have been unable to see this in the plans submitted as part of the application. As previously highlighted in our objection dated 16 July – there are several windows that will 'overlook' directly into our habitable rooms and / or private spaces. I urge council to request a full submission from the applicant as to how this issue will be addressed to our satisfaction.

We are dismayed to read in the meeting notes that all concerns around traffic, construction, neighborhood character have seemingly been dismissed as irrelevant. I would ask just one member of council or the planning department to spend time with us, in our street to understand what our objections are. You would see very quickly that these concerns should not be ignored. Council simply must take into account the mental health of the residents of Tibbles Street and the potential ramifications if people are not heard.

As previously stated, we believe this development and others like it in the street and the suburb are changing the atmosphere of the area for the worse. This development at 23 Tibbles Street needs to be highlighted and the applicant, needs to understand and work with the current occupants of surrounding properties to understand and address our concerns.

I implore council to reject this application and give us a chance to live a lifestyle unencumbered by inappropriate developments such as this.

Sincerely,



Peter Bainbridge

**5. Mr Richard Umbers – Peninsula Planning Consultants Pty Ltd (A)**

19 October 2021

**Planning and Amenity Committee**

**Meeting: 20 October 2021**

Dear Councillor Alex del Porto,

**Re: Item 4.4**

**Planning and Amenity Delegated Committee Meeting – 20 October 2021**

**Planning Permit Application No. 1999/4849/2**

**No. 23 Tibbles Street, Beaumaris**

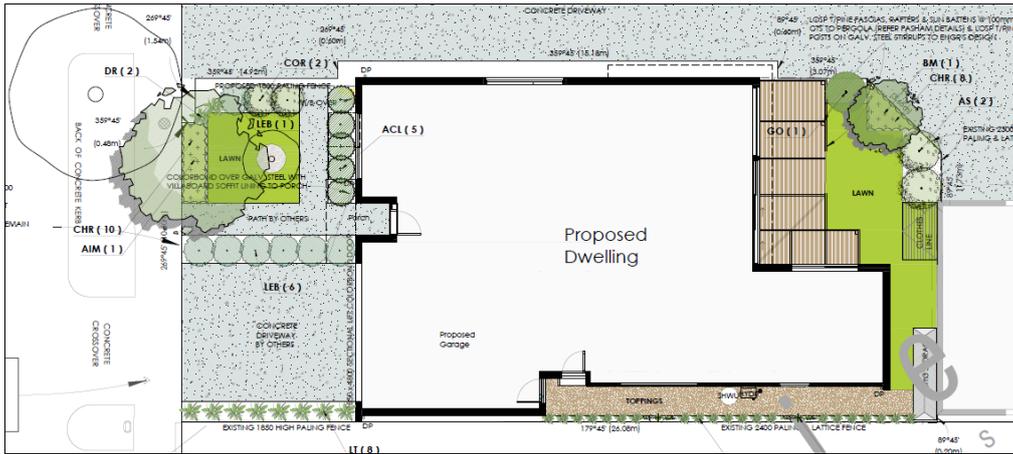
**Submission to Planning and Amenity Delegated Committee Meeting**

We continue to act as Agent for Fasham Johnson Pty. Ltd. (“**The Applicant**”) with regard to Planning Permit Application No. 1999/4849/2 (“**The Application**”).

Thank you for the opportunity to provide a submission to assist the Committee. Our submission will be brief. The purpose of this submission is to identify the purpose of our application and a brief response to the objections.

A Consultation Meeting was held on 18 August 2021 with some of the Objectors and Council Officers, but not all Objectors could attend.

In response, we prepared a preliminary Landscape Plan and Colours and Materials Schedule. Both are reproduced below.



**Preliminary Landscape Plan**

COLOUR SCHEDULE		
Property address: 23A Tibbles Street Beaumaris VIC 3193		
AREA	FINISH AND COLOUR	SAMPLE COLOUR
Roof, fascias and gutters	Colorbond Surfmist	SURFMIST®
Begged and Painted Walls	To match Colorbond Surfmist	SURFMIST®
Cladding	Colorbond Monument	IRONSTONE®
Windows and Downpipes	To match Colorbond Surfmist	SURFMIST®
Garage Door	Colorbond Monument	IRONSTONE®

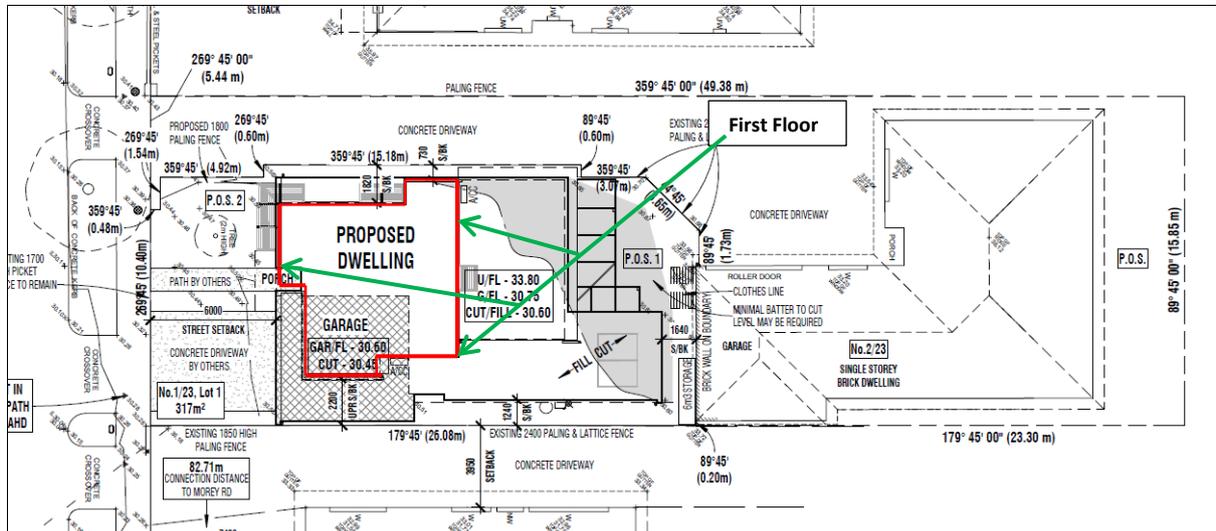
**Colours and Materials Schedule**

It is important to note that the proposal is to replace the existing dwelling with a new dwelling. There is no increase in the number of dwellings on the site.

The proposal does not attempt to replace the existing dwelling with two (2) dwellings. The ground floor footprint of the proposed dwelling is almost identical to the ground floor footprint of the existing dwelling. The existing dwelling has a 177.24 square metre footprint, whilst the proposed dwelling will have a 177.98 square metre footprint, or a difference of 0.74 square metres.

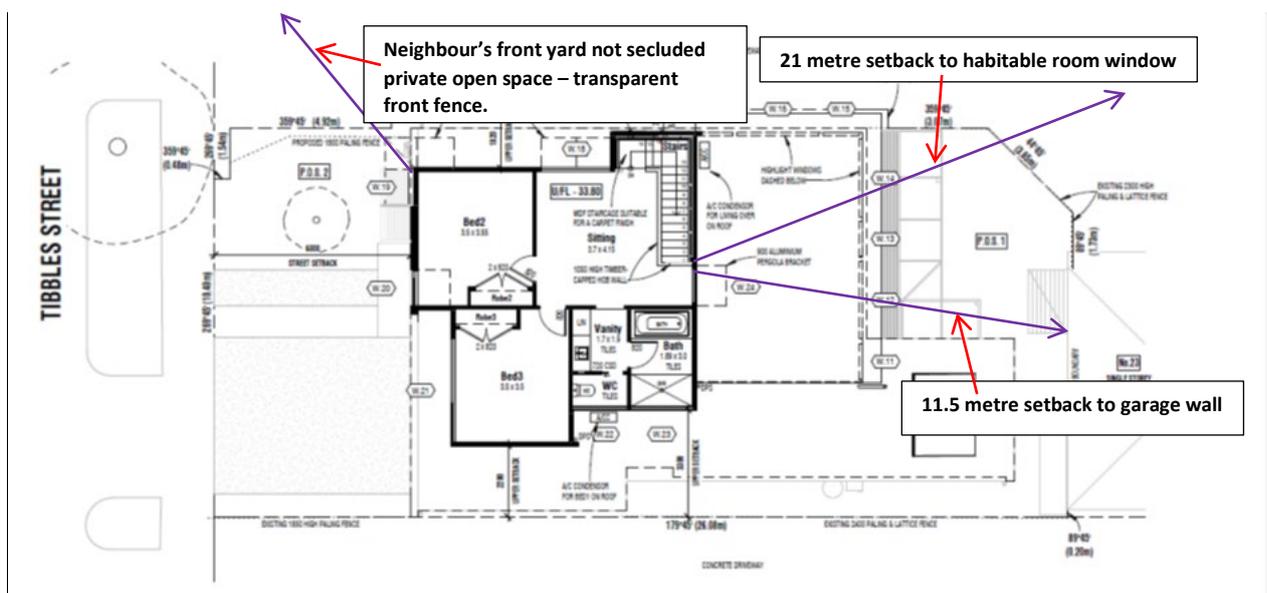
The first floor level has a modest footprint of 67.49 square metres and will occupy only 38% of the ground floor footprint below, ensuring that built form is well articulated as shown in the

following extract of the application plans. Overall building height will be 6.52 metres when the Neighbourhood Residential Zone would allow up to 9 metres. The proposed replacement dwelling is both modest in floor area and overall height and highly articulated.



The siting of the replacement dwelling benefits from existing driveways 3.95 metres wide adjoining to the east and 3.3 metres wide to the west. They provide clear separation to the adjoining dwellings.

As shown in the following diagrams, there is no overlooking to the north, east and west due to appropriate design and separation from areas of secluded private open space and habitable room windows on adjoining properties.



A double car garage is provided as required by the Bayside Planning scheme. With independent driveway providing access to the garage from Tibbles Street, a further tandem parking space is provided in front of the garage, increasing on site parking to three (3) spaces when only two (2) spaces are required.

The proposal is respectful of the amenity of adjoining and nearby dwellings and character of the neighbourhood.

We request the Committee's support for our application to amend the endorsed plans of Planning Permit No. 1999/4849/2 as recommended in the Council Officer's report to the Committee.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'R. Umbers', with a stylized flourish at the end.

Richard G Umbers

**Peninsula Planning Consultants Pty. Ltd.**

**Item 4.7**  
**New Street, Brighton**  
**- Homes Victoria Social Housing Project**

**1. Mr Viraj Perera (on behalf of Homes Victoria) (S)**

HHSD/21/713707

Bayside City Council  
Planning and Amenity Delegated Committee  
20 October 2021

Dear Mayor and Councillors,

On behalf of Homes Victoria and our project partner, Building Communities, we thank Bayside City Council and the Bayside community for your ongoing engagement with our project team and your feedback on the redevelopment of the New Street Brighton site.

Following the Council meeting of 22 July and the letter from Mayor Evans dated 2 September, Building Communities have finalised, and formally submitted, a development plan and planning permit application to the Department of Environment Land Water and Planning (DELWP) as the Responsible Authority for this application. The application has been made on behalf of Homes Victoria and the Director of Housing.

As Council would be aware, Homes Victoria have engaged with community, interested parties and Council Officers since the project inception in 2017. The partnership with Building Communities and design development in consultation with the Office of the Victorian Government Architect has culminated in a housing outcome that achieves high quality design and internal amenity for future residents.

At the time of this letter, a copy of the planning application has been provided to Council. This application also includes a response to feedback received from Council officers to date.

Homes Victoria acknowledges the Council Officer assessment and recommended conditions, which are to be tabled for discussion at the Council meeting on 20 October 2021. It is understood that Council's final position, following this meeting, will be communicated to DELWP to assist in their final determination of the application.

Yours sincerely



**Viraj Perera**  
Program Director  
Renewal Projects, Homes Victoria  
19 / 10 / 2021