

# **WRITTEN STATEMENTS**

**8 March 2022**

**Planning and Amenity Delegated  
Committee Meeting**

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*Definitions*

*A= Applicant*

*S= Supporter*

*O= Objector*

**Item 4.1**

**11A Keiller Street, Hampton**

# 1. Mr John Glossop (A)

## Background

1. This written statement is made on behalf of the permit applicant, Chapter 03 Pty Ltd.
2. This statement is provided in support of the application for planning permit.
3. The permit applicant has worked conscientiously with the Council planning department throughout this process and that the proposal is supported by your Officer.

## Benefits of the proposed development for the Bayside municipality

4. Before we begin, it is important to note that this land is not zoned Neighbourhood or General Residential. The land is not affected by a Heritage Overlay or Design or Development Overlay.
5. The land is located within the Activity Centre Zone (ACZ1).
6. The Zone provided the following guidance on height.

Precinct	Maximum Building Height (Excluding Basement)	Condition Regarding Minimum Land Size	Building Setback	Maximum Streetwall Height
3	6 storeys (20 metres) provided the condition regarding minimum land size is met. If the condition is not met, the maximum height is 4 storeys (14 metres).	1,500 square metres and must be all in the same sub precinct. Where the land comprises more than one lot, the lots must be consecutive.	4th, 5th and 6th storeys should be setback a minimum of 5 metres from the building where it has a front or side interface with the street.  4th, 5th and 6th storeys should be setback a minimum of 2 metres from laneways.	3 storeys (11 metres)

7. You will see that buildings can be up to 6 storeys provided they meet the land area requirement. Because this site is less than 1,500 square metres, the building height is 4 storeys (14 metres).
8. The Purpose of this zone is to “deliver a diversity of housing at higher densities”, while the objective of the precinct within the schedule to this zone is for “high quality consolidated apartment and mixed-use development” (*Sub-clause 5.3-2*).
9. The proposed development directly responds to the Purpose of the zone by providing a site responsive design for 21 apartments. This supply of smaller and more affordable housing will assist Bayside to provide for the increasing demand of these housing types for the growing and aging population, as encouraged by *Clause 02.03-5 Housing* within Bayside’s Strategic Directions.
10. The Bayside Affordable Housing Strategy Background Report 2021 says that:

*Affordable rental options are increasingly out of reach for current residents as well as for those seeking a new life in the community, construction costs are rising, and*

*there is a limited supply of new land. Lower and moderate income-employees make fundamental contributions to the economic and social life of the municipality and when opportunities to live and work within Bayside are diminished, so too is the local economy. A lack of affordable housing also means a greater risk of experiencing vulnerability for current and future residents of Bayside (3).*

11. This proposal will provide for more affordable owner occupied and/ or private rental housing for residents. Relevantly, the land is well located to provide for a more affordable housing, being close to a range of services and facilities.

Comment on objections

12. You will be aware that 13 objections to the planning permit have been received.
13. Of the 13 objections received, Figure One below shows that the dwelling density of the proposal is the most common concern. The next issue is the amenity impacts of overshadowing and overlooking.
14. It is to be expected that the introduction of housing that is different to the traditional pattern or single detached homes or dual occupancies will cause concern to local residents.
15. However, this Council has zoned this land 'Activity Centre Zone' for a reason: to direct 'this' form of housing to 'this' location and *away* from other parts of the City not well placed to accommodate this housing form.
16. Moreover, amenity concerns need to be evaluated having regard to the zoning of the land.
17. A response to objector concerns is provided below.

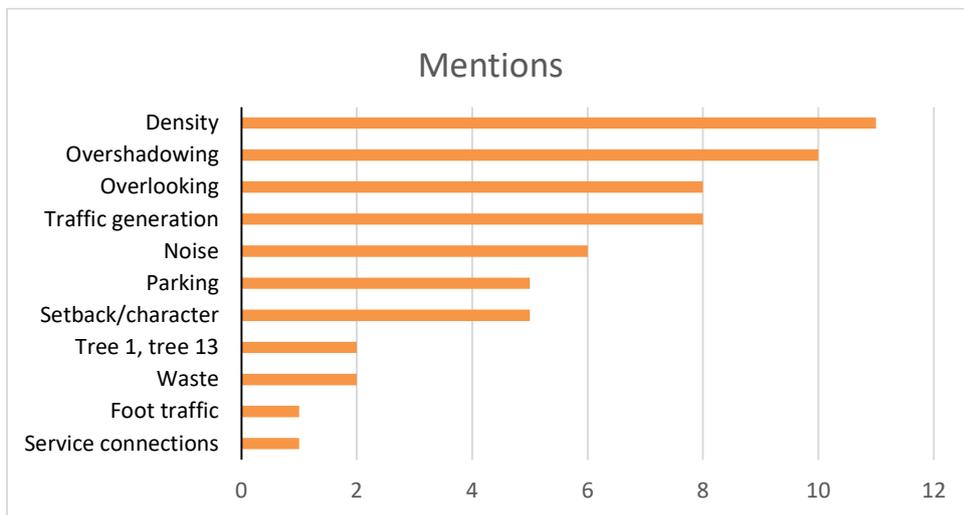


Figure One: The 13 objectors mentioned many of the same 11 concerns.

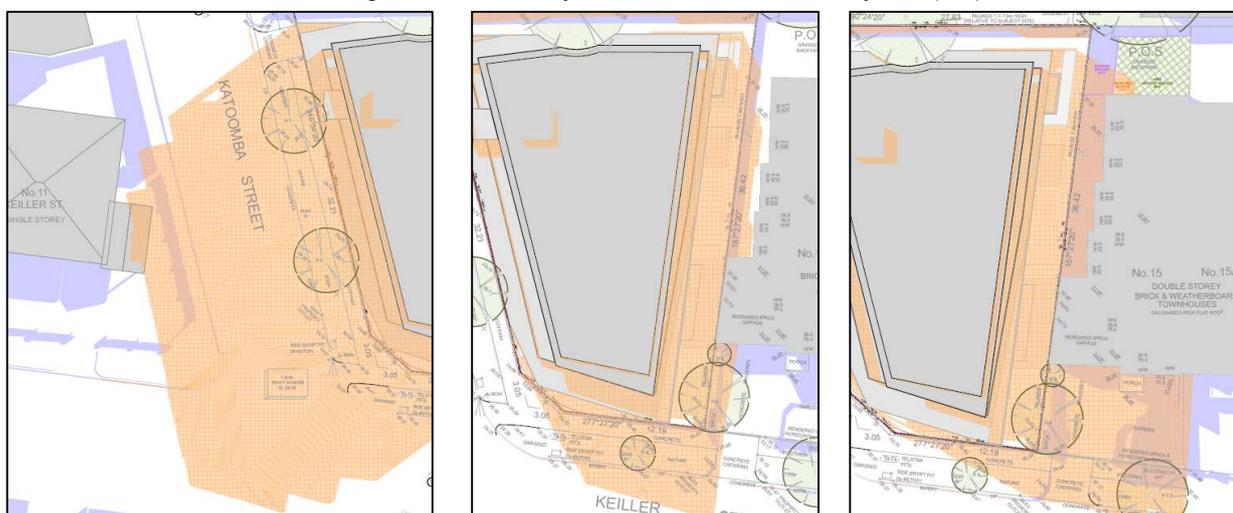
Density

18. Concerns about density repeatedly related to the proposed development being “too much” for the subject site and too different from the single dwelling density of other surrounding blocks.
19. However, Council has determined that this precinct is a desirable location for higher density residential living. The relevant policies applying to this site actively *encourage* this density of development.

20. The ACZ1 was gazetted in August 2019. It is not surprising, therefore, that the current character is that of single and double storey homes.
21. Higher density residential development will gradually take the place of more single dwellings in this precinct, contributing towards Bayside's current and future needs for smaller and more affordable housing.
22. Your planning scheme encourages (indeed it requires) this transformation.

#### Overshadowing

23. The subject site is on a southwest facing corner and most of the proposed development's shadow will fall on the roads.
24. The shadow diagrams at TP-20 to TP-26 demonstrate that between 9am-3pm on 22 September, Spring Equinox, the increase of overshadowing will be minimal.
25. At 9am, there will be overshadowing to the side setback/driveway of 11 Keiller Street (Figure 2A).
26. Between 1-3pm there is progressive increase to the shadowing to the side and front setback of 15 Keiller Street (Figure 2B).
27. By 3pm, there is a 2sqm increase to the overshadowing of the rear secluded private open space at 15 Keiller Street (Figure 2C).
28. While 8 objectors of different properties mentioned concern for overshadowing, the extent of overshadowing will be relatively minor and limited to only two properties.



29. Figure 2A – 2C: The orange shows the shadow cast by the proposed development at 9am, 1pm and 3pm while the purple is the existing shadow (Source: Architecture plans TP-20, TP-24, TP-26).

#### Overlooking into existing properties

30. Eight existing residents objected on overlooking grounds, yet only one property, 15 Keiller Street, is within 9m of the site (which is the distance provided in your planning scheme where overlooking screening may be required). To limit overlooking into the secluded private open space and habitable room windows of 15 Keiller Street, the proposal has included obscure glazing to 1.7m on windows and 1.7m high screens on balconies with a maximum of 25% visibility. This complies with the requirements of the planning scheme.

### Traffic generation and parking

31. The proposal is entirely compliant with the parking requirements of Clause 52.06.
32. We note that your traffic engineers have not objected to the proposal on traffic engineering grounds. It follows that the proposal will not have an unacceptable impact on local streets.

### Noise

33. As discussed in the mediation meeting held in January, the applicant will accept any condition on permit that limits noise from mechanical plant. This is provided for at Condition 1(b) of the Officer's recommendation.

### Street setback and neighbourhood character

34. The proposal responds to the purpose of the zone. The zone sets out a preferred character that is to be achieved. This character is different to the area's original character. It is good planning for this development to respond to the preferred future character established by the zone.
35. Detailed articulation and lighter finishes of the external materials will provide a contemporary contribution to the changing streetscape.

### Impacts to existing trees

36. An arborist report was submitted with this application, which demonstrates that Council's and neighbours' trees will be protected.
37. We also note Council's arborist also agrees with the proposed protection measures.

### Waste management

38. Waste concerns related to the placement of many bins on the nature strip. This objector was satisfied with the response provided in the mediation meeting, that a private collector would enter the bin storage area in the basement, not requiring them to be on the street.

### Service connections

39. At this stage, not all the service connections are displayed on the plans. It can be a condition of permit that these connections be clearly marked.

### Conclusion

40. This proposal enjoys the supports of Council's planning department.
41. The applicant has met with some of the objectors to try to resolve their concerns.
42. The proposal is an appropriate and reasonable development outcome on land zoned for multi-storey apartment development.
43. We consider that the proposal complies with the Bayside Planning Scheme and is worthy of your support.

**Item 4.2**  
**15 Douglas Street, Beaumaris**

## 1. Mr Nick Legoe (for Keen Planning) (A)

Dear Councillors,

We refer to the above matter and provide this written submission on behalf of the permit applicant, RAW Architecture.

We highlight the following in support of the proposal.

- The development site is 975 square metres in area and located on a corner, which we submit makes it suitable for a three dwelling development with the proposed dwelling density not excessive and consistent with the evolving density character of the area.
- The proposed site coverage of 50 percent combined with the recessed first floors on all elevations provides an appropriate landscaped setting and a built form that is not visually obtrusive or bulky.
- We submit that the mix of materials and features, including face brick, cladding and pitched iron roofing combined with the generous building setbacks and substantial areas available for landscaping throughout the site, results in a development that will be complementary to the existing character of the area and consistent with the preferred character of Precinct H3.
- As demonstrated by the accompanying Landscape Plan, the site provides large areas of meaningful landscaping, with many areas large enough for canopy trees which will assist the development in complementing the existing landscape character of the area. We highlight the following.
  - The development will retain five canopy trees across the site. It is always a challenge to retain trees on infill development sites and this level of retention is excellent and is indicative of a site responsive proposal.
  - The development includes the provision of five new canopy trees in addition to other shrubs and ground covers. We note that the majority of species to be planted are indigenous and consistent with the *Bayside Landscape Guidelines (2016)* as confirmed within the Council Officer report.
  - The Council Arborist supports the proposed landscaping and proposed tree retention/removal for the site (noted in Council Officer Report).
  - The applicant is supportive to the alternate construction measures required for works within the Tree Protection Zones with the Council Arborist also supporting this approach.
- The development is highly compliant with the requirements of ResCode, which we submit provides a strong indication that a development is reasonable. We acknowledge that the setback to Dwelling 1 is less than the recommended 8.8 metres however, we submit that in this instance, the variation is reasonable and arguably results in a better overall outcome than if compliance was achieved, noting the following.
  - The proposed setbacks to Douglas Street varies from 7 to 7.5 metres (ground level) which still allows for a generous area of landscaping and sufficient clearance from Tree 17 which is to be retained.
  - The first floor is setback 9.5 metres which exceeds the recommended setback.

- The lesser setback to Douglas Street is more than compensated for by the much greater secondary setback (6.79 metres) to Hastings Avenue (compared to the required setback of 2 metres). The result of this is a large landscaped area at the intersection which ensures that the development will appear recessive to the landscaped setting when viewed from the street as recommended by Neighborhood Character policy. This greater setback to Hastings Avenue also facilitates the retention of the largest tree on the site (Tree 14 – Peppercorn tree) which is also evidence of a sensitive development that provides a suitable landscaped setting.

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

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

Yours sincerely,

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

**Keen Planning**

**Item 4.3**

**7 Laburnum Court, Brighton**

## 1. Ms Kirsty Slater (O)

Dear Chair & Councillors of Planning and Amenity Delegated Committee,

We continue to act on behalf of Ms Elizabeth Fraser and Mr Richard Williamson the owners and occupiers of land at 8 Laburnum Court to the south of the subject site ('the Site').

We write in submission to Council's forthcoming Planning & Amenity Delegated Committee of 8 March 2022 and in response to the delegate recommendation made in support of the planning permit application now before you.

Our client is both disillusioned and disappointed with the officer decision and respectfully seeks Council's rigorous review of the recommendation of support for the proposal for the following reasons:

- The proposal is an inappropriate neighbourhood character response with respect to its siting and extent of wall on boundary and with this, does not allow for meaningful landscaping to be provided within side setbacks to improve visual separation between built form.
- The siting and massing of the proposed dwelling has a detrimentally overbearing impact on the amenity and enjoyment of the secluded private open space associated with 8 Laburnum Court which is compounded by the extent and overall height of wall on the mutual boundary.
- The proposal will impose unnecessary and unreasonable overshadowing impacts to existing north facing habitable room windows of 8 Laburnum Court and does not satisfactorily meet the objectives of Standard A13 (north facing windows) of Rescode.
- The extent of variation sought to Rescode standards is unreasonable with respect to site coverage, side and rear setbacks and on-site secluded private open space provision. It is considered that compliance is capable of being achieved and no attempt has been made by the permit applicant to address this.
- The secluded private open space associated with the proposed dwelling is not considered to be "usable" owing to the benching of the Site and does not meet the minimum dimension specified by Standard A17 (Private Open Space) of Rescode. A variation is therefore required to this standard and is not noted as such by the delegate. This non-compliance therefore raises questions of the future use of the front setback to meet the anticipated amenity needs of the dwelling occupiers and puts an unreasonable expectation on Council to support high front fencing to secure this. This will further impact neighbourhood character and is inconsistent with neighbourhood character precinct guidelines.

We maintain the view that the proposed development is inappropriate for its built form context and does not satisfactorily address on-site amenity or off-site amenity impacts. On the foregoing considerations, we respectfully request Council to refuse the application.

Should you require any additional information in relation to the content of this submission, please contact the under-signed on 8626 9002 or email: [slater@pppartners.com.au](mailto:slater@pppartners.com.au).

Yours sincerely,



**KIRSTY SLATER**

**Planning & Property Partners Pty Ltd**

2. Mr Clifford Hayes, MLC (O)

**Clifford Hayes, MLC**  
Member for Southern Metropolitan Region  
Sustainable Australia Party



**OBJECTION TO PLANNING APPLICATION 5/2021/463/1**

Re: 7 Laburnum Court, Brighton  
Planning Application Number: 5/2021/463/1

Dear Planning and Amenity Delegated Committee,

I have been contacted by residents who are concerned about the proposed development at 7 Laburnum Court, Brighton.

They are worried that this development will significantly impact their land and the use of their properties.

Firstly, residents are concerned that if windows are not permanently frosted that the neighbours will be able to overlook their properties, impinging upon their privacy.

They are also worried that the proposed development will significantly alter and block their natural light due to the overshadowing of the building.

Residents are asking that the developers strictly comply with ResCode, as they see it as an overreach to go beyond already established standards.

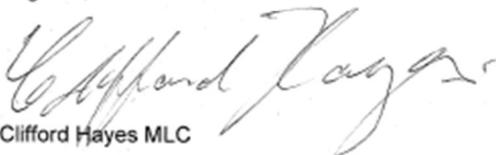
Residents tell me the height, scale, and bulk of the amended design will dominate the surrounding area and significantly alter the existing streetscape.

Additionally, they are particularly alarmed by the external façade of the development and believe it does not coincide with design guidelines to ensure the character of the neighbourhood is retained.

Several neighbours believe the amended proposal does not address their original concerns and are disappointed they were not consulted further on these amendments.

I understand there is a meeting this week to discuss the proposed development. I ask that you consider the concerns of these residents and work with all parties to reach a more acceptable outcome.

Regards,

  
Clifford Hayes MLC

206-208 Bay Street, North Brighton, 3186  
P: (03) 9530 8399 E: clifford.hayes@parliament.vic.gov.au  
[www.cliffordhayes.com.au](http://www.cliffordhayes.com.au)



### **3. Mr Luke Dowdle (for Nepean Planning) (A)**

Dear Councillors,

Thank you for allowing the opportunity for me, on behalf of our client, to make a statement associated with an application for a single dwelling at 7 Laburnum Court, Brighton at the Planning and Amenity Delegated Committee meeting on 8 March 2022.

We anticipate that everyone has had the opportunity to review the material submitted to support the application, accordingly we will not make further submissions that reflect what is already on file. Instead we take this opportunity to ask that Council recognise that our clients (the land owners) have given strong consideration to the opportunities and constraints of the site. As local residents they took care to ensure that the proposal is consistent with the existing and emerging neighbourhood character.

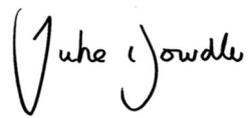
Importantly we have worked closely with the Council Delegate Officer to ensure that a balanced, well-considered outcome was achieved. We ask that you apply significant weight to the recommendation of the Delegate Officer.

Further to the above we are obviously conscious that we received objections to the proposed dwelling. After reviewing the objections we agreed to attend a meeting with the objectors. We considered their concerns, provided a written response to each objection and amended the proposal to respond to concerns raised.

The primary purpose of this statement is to ensure that Council recognise the extent of consideration that went into the proposal, including ensuring that the amenity of the nearby residents isn't unreasonably affected. We say that the proposal is entirely appropriate in the residential setting and the support provided by the allocated, Delegate Officer should be attributed considerable weight.

Should you require any further information, please contact our office on 0409 449 392.

Kind regards,

A handwritten signature in black ink that reads "Luke Dowdle". The letters are cursive and fluid, with a large initial 'L' and 'D'.

Luke Dowdle

Nepean Planning Consultants

## **Item 4.4**

### **11 McNaught Street, Beaumaris**

## 1. Ms Karin Costenoble (O)

I refer to the Council's letter of 23 February 2022, notifying me of the forthcoming meeting of the Planning & Amenity Delegated Committee (**Committee**) to determine the above planning application, and inviting me to submit a written statement in lieu of being heard in person.

I am a long-term resident of 10 Clonmore Street, Beaumaris, with my father having originally bought this house back in 1988. These old parts of Beaumaris continue to be characterised by a very desirable sense of space and seclusion, of not being hemmed in by neighbouring buildings. You can see tall native vegetation on the horizon and large expanses of open sky. The large number of remaining mid-century modern homes lie low and sprawling amongst this well-established vegetation, which often extends to nature-strip plantings. This neighbourhood character is intangible yet incredibly valuable to local residents, defining our homes and sense of place. Once lost it cannot easily be recreated or revived.

I have read the Council's report (**Report**) attached to the Committee's agenda (**Agenda**), and I understand that the officers of the Council are recommending to the Committee that this planning application be granted, subject to some conditions.

My submission to the Committee is that I respectfully disagree with the Report's recommendation, and instead submit that the Committee should not grant this planning permit. I am not against all development, nor am I against a development of some sort for 11 McNaught Street, but it needs to be in keeping with the neighbourhood character and appropriate for this neighbourhood.

My reasons for this submission are set out in detail in the objection I provided to the Council in December 2021. I attach that objection again here, for convenience (though please disregard those parts of the objection relating to the Design & Development Overlay, as I now understand that this overlay is not relevant to the current application), and I would ask the Committee members to have regard to the strong community objections to this application.

I do agree with the conditions that Council recommends be placed on a planning permit, if approved, and am delighted to see the recommendation that the proposed fire pits be removed and the drainage easement be kept unencumbered. Nevertheless, my objection in December, as now, is based on the following key issues, which I do not consider to be adequately addressed or resolved by the planning application or the Report:

- *Overlooking/massing/bulk/glare/loss of amenity:* My entire back fence adjoins 11 McNaught Street. As you can see from the plans attached to the Report, my property and back garden are significantly impacted by the proposed development, with the majority of proposed unit 1 and part of proposed unit 2 adjacent to the rear of my garden at 10 Clonmore Street, overlooking bathrooms and bedrooms. In particular:
  - You may note that there is no Perspective View provided by the applicant for the northern elevation of the proposed development (see Document TP07-B on p188 of the Agenda), even though this will impact the rear of all of the properties at 6-12 Clonmore Street.
  - It is neither acceptable nor appropriate to the Beaumaris neighbourhood character described above, for a development of this size and impact to proceed, especially given the sense of largely uninterrupted building mass that the proposed development at 11 McNaught Street would bring to the rear of my place and the neighbouring properties. Currently, I can see sky and neighbouring trees through to Reserve Rd, when looking in a south-westerly direction from my house. This would

be blocked by the proposed development (particularly unit 3), which would reduce the afternoon and evening sun that reaches my back garden in the summertime, to say nothing of the visual impact of a looming building to the immediate south.

- Paragraph 5 of the Agenda, cites several objectives and strategies from the Council Plan 2021-25, including the strategy to: “Encourage the planning of well-designed new development that is appropriately located and consistent with ... residential amenity.” Whilst the Report considers the amenity of future occupants of the proposed development at 11 McNaught Street, it does not closely consider the amenity of *existing* neighbouring rate-payers and residents. The considerations of neighbourhood character in the Report appear to be largely focussed on perceptions of the likely façade, with little thought given to the impact to those residents who already live adjacent to the proposed development.
- The Report notes (see p176 of the Agenda) that the proposed 7.18 metre buildings should not exceed the predominant tree canopy height, but concludes that: “The predominate [*sic*] tree canopy height is greater than this with many large native trees being present within the street”. This seems rather imprecise, with no specific trees or locations identified. I note that the few large trees remaining in the street are not directly adjacent to 11 McNaught Street, but are further south or on Clonmore Street, and thus would not screen the proposed development in any way. The trees in Clonmore Street that might reach or exceed 9 metres are on the street frontage side, rather than near the boundary with 11 McNaught Street. This means that whilst the proposed 7.18 metre height is within the maximum allowable, it would still loom over neighbouring trees and dwellings.
- *Neighbourhood character:* I address this requirement in detail in my objection where I refer to the Council’s own documentation identifying, articulating and setting the neighbourhood character for this area. It is important in this context to note the low-rise, low to medium-density housing of this area, with predominantly family homes set away from adjacent properties, and hidden by vegetation. On this basis, I submit that the proposed development is not adequately in keeping with neighbourhood character. In particular:
  - Approving an application for a 3-townhouse development of this magnitude would set a precedent for further 3-dwelling applications to be granted in this area, changing the neighbourhood character to a higher-density built environment.
  - As noted above, paragraph 5 of the Agenda cites several objectives and strategies from the Council Plan 2021-25, including the strategy to: “Encourage the planning of well-designed new development that is appropriately located.” For the reasons I have given above, the proposed development is not appropriately located at 11 McNaught Street. Despite the size of the block, it would be more in keeping with the neighbourhood character to permit two free-standing dwellings on this site (with more garden space), rather than the proposed 3 semi-detached townhouses.
  - The Report, on p175 of the Agenda, notes the requirement that buildings be sited to create the appearance of space between buildings. Whilst there are recessed upper storeys, which are noted in the Report, as you can see from the drawings of the northern elevation (document TP05-B, on p186 of the Committee’s agenda) the overall effect when viewed from the rear of the Clonmore Street properties will not be that of well-spaced buildings.
  - Similarly, the Report notes the requirement to allow adequate space to accommodate substantial vegetation. Whilst the proposal to plant numerous indigenous trees is laudable, given the location of the drainage and sewerage easement, I would query whether the suggested placement of all of the trees is

appropriate, or whether they should be required to be placed further from the existing pipes and easement. If so, this could affect their efficacy as screening plants on the northern boundary of 11 McNaught Street.

- *Energy usage/environmental effect:* The Report notes that no habitable rooms rely on secondary light sources. This seems to be the only consideration in the Report as to the energy efficiency of the proposed development. This does not consider any other energy consumption, such as heating and cooling; given the proposed development does not seem to incorporate any passive design elements, such as eaves or shading, these proposed units will each have substantial heating and cooling needs that are not addressed in the Report.
- *Parking:* Although the Report states (see p181 of the Agenda) that the increased traffic from the proposed three townhouses could be accommodated in the surrounding network, I note that McNaught Street is now a popular parking area for the staff of the nearby secondary college, and that neighbours have recently observed garbage trucks unable to fit along this narrow street, due to the number of parked cars on both sides. Council could consult its waste and recycling contractors about their experiences of trying to traverse McNaught Street.

I have also read the submission of my neighbours, Bruce and Nicolle Malins of 8 Clonmore Street, which I strongly agree with.

I thank the Committee members for their consideration of my submission.

Yours sincerely,

Karin Costenoble

*Att.: Original objection dated 16 December 2021*

# Attachment – original objection

Your ref: 5/2021/644/1

**16 December 2021**

Dear Mr Hampton,

**11 McNaught Street, Beaumaris (Application number: 5/2021/644/1)**

Thank you for your recent Notice of an Application for a Planning Permit, relating to 11 McNaught Street, Beaumaris (the **Subject Property**). I understand that the Subject Property was sold recently (approximately August 2021) and that the Purchaser is now applying for planning approval to construct three double-storey dwellings on the Subject Property (**Proposed Development**), as well as to remove native vegetation on that site. I assume for the purposes of this objection that the Purchaser is also the Permit Applicant, although that information is not provided to neighbours and has been redacted from the Advertised Plan. The application documents available online are the Advertised Plan and 8 Advertised Documents (together, the **Application Documents**).

The Subject Property is zoned as Neighbourhood Residential Zone (**NRZ**) Schedule 3 and is subject to the following relevant overlays:

- Design and Development Overlay – Schedule 3 (**DDO3**)
- Vegetation Protection Overlay – Schedule 3 (**VPO3**)

I live at 10 Clonmore Street, Beaumaris, which backs onto the northern boundary of the Subject Property. I have lived here permanently since 2003 (and periodically also between 1992 and 2003). I enjoy living in this neighbourhood because it is quiet and leafy, with lots of native plants and wildlife. Many of the local residents tend indigenous plants on their nature-strips as well as in their gardens, and the neighbourhood retains many houses of the mid-century modern style, for which Beaumaris is particularly known.

I object to the Proposed Development on the following broad grounds, which I will expand on in more detail over the following pages:

1. Unreasonable and inappropriate impact on neighbouring properties, significant impact on amenity, privacy, access to light, net volume of local vegetation and canopy cover, traffic and environmental impact;
2. Inadequate compliance with requirements of NRZ 3 and DDO3;
3. Inadequate explanation of proposed future subdivision to accommodate separate titles of the three units (hence ambiguous compliance with garden space and related requirements);
4. Environmental impact; and
5. Inadequate compliance with VPO3 requirements.

***\*This submission has been reduced to 4 pages in length as per the Council's Governance Rules for Written Statements.***

***-Governance Department***

## 2. Mr Jason Barnfather (for Squareback Planning) (A)

Dear Councillors,

On Tuesday night, our application for a planning permit to construct three dwellings on this site will be presented to you for consideration. Having met the objectors through the consultation process, it is clear that the key issue is the number of dwellings proposed on the land and the potential for this to set a precedent as most applications are for two dwellings.

In response, the first thing we must stress is that the subject site has an area of 1045 square metres and this is significantly larger than the vast majority of properties in the area which typically range in size between 600 and 700 square metres. What this means is that the subject site is able to accommodate a third dwelling whilst achieving a comparable **dwelling to land size ratio** as most other applications in Beaumaris.

In order to demonstrate this, below is an analysis of all relevant applications that were presented for consideration by Councillors in Beaumaris in 2021 and in early 2022. This includes nine applications that were decided upon during this time, along with our application and also the two other applications in Beaumaris that are on the Agenda (Items 4.6 and 4.8) that will be considered following our application.

What this analysis shows clearly is that our proposal for three dwellings results in a **dwelling to land size ratio** that is virtually identical to the average dwelling to land size ratio and therefore it is submitted that three dwellings are appropriate for the subject site and will not create any unwelcome precedent.

AGENDA	ADDRESS	LAND SIZE	PROPOSAL	PROPOSED TREE REMOVAL – VPO PROTECTED	SITE COVERAGE	LAND AREA PER DWELLING	PROPOSED RESCODE NON-COMPLIANCES	CONDITIONS OF NOTE	MOVED/SECONDED	COUNCILLOR AMENDMENTS	PERMIT ISSUED
8 March 2022	11 McNaught Street, Beaumaris	1045m <sup>2</sup>	Three dwellings and Vegetation Removal	1	44.9%	348.3m <sup>2</sup>	Side Setbacks. Rear Setback.	Setback of the garage for Dwelling 1.			Decision Pending
8 February 2022	22 Glenwood Avenue, Beaumaris	775m <sup>2</sup>	Two dwellings and Vegetation Removal	3	46.6%	387.5m <sup>2</sup>	Front Setback. Side Setbacks.	None.	Moved: Cr Martin Secoded: Cr Evans OAM	Front Setback to Comply. Green Walls and Indigenous Plants Required.	Yes
8 February 2022	1 Gordon Street, Beaumaris	704m <sup>2</sup>	Two dwellings and Vegetation Removal	1	49.2%	352m <sup>2</sup>	Side Setbacks	Tree Retained. West Side Setbacks to Comply.	Moved: Cr Martin Secoded: Cr del Porto	Jacaranda retained.	Yes
20 October 2021	23 Tibbles Street, Beaumaris	310m <sup>2</sup>	One dwelling on a lot (Part of previously dual occupancy)	0	47.78%	310m <sup>2</sup>	Front Setback. Side Setbacks. Rear Setback.	Reduced Hard Surfacing for Driveway.	Moved: Cr Martin Secoded: Cr Evans OAM	Bed 3 Setback increased by 500mm.	Yes
19 October 2021	14 Gareth Avenue, Beaumaris	634m <sup>2</sup>	Two dwellings and Vegetation Removal	2	47.96%	317m <sup>2</sup>	Side Setbacks	One of the Two Trees Retained.	Moved: Cr Martin Secoded: Cr Evans OAM	Relocated front entry to Townhouse B.	Yes
10 August 2021	6 Towers Street, Beaumaris	674m <sup>2</sup>	Two dwellings and Vegetation Removal	0	48.35%	337m <sup>2</sup>	Side Setbacks		Moved: Cr Martin Secoded: Cr Stitfold	Double garage of Dwelling 2 reduced to a single garage.	Yes
10 August 2021	58 Cromer Road, Beaumaris	627m <sup>2</sup>	Two dwellings and Vegetation Removal	0	49.41%	313.5m <sup>2</sup>	Side Setbacks		Moved: Cr Martin Secoded: Cr Evans OAM		Yes
8 June 2021	109 Cromer Road, Beaumaris	697m <sup>2</sup>	Two dwellings and Vegetation Removal	9	50.3%	348.5m <sup>2</sup>	Front Setback. Side Setbacks. Site Coverage.	Side Setbacks Increase (Still not Compliant).	Moved: Cr Martin Secoded: Cr Evans OAM		Yes
11 May 2021	149 Dalgetty Road, Beaumaris	697m <sup>2</sup>	Two dwellings and Vegetation Removal	2	49.6%	348.5m <sup>2</sup>	Side Setbacks. Rear Setback.		Moved: Cr Martin Secoded: Cr Evans OAM		Yes
13 April 2021	13 Lilleura Avenue, Beaumaris	823m <sup>2</sup>	Two dwellings and Vegetation Removal	2	52.3%	411.5m <sup>2</sup>	Side Setbacks. Rear Setback. Site Coverage.	Adjustments to Roof Decks	Moved: Cr Martin Secoded: Cr Evans OAM		Yes
					<b>AVERAGE 48.64%</b>	<b>AVERAGE 347.38m<sup>2</sup></b>					
8 March 2022	148 Oak Street, Beaumaris	627m <sup>2</sup>	Two dwellings and Vegetation Removal	3	53%	313.5m <sup>2</sup>	Site Coverage. Side Setbacks.	Setback of the garage for Dwelling 2.			Decision Pending
8 March 2022	9 Erowal Street, Beaumaris	781m <sup>2</sup>	Two dwellings and Vegetation Removal	2	50%	390m <sup>2</sup>	Front Setback. Side Setbacks.				Decision Pending

This table also highlights a few other key considerations including:

- The fact that the proposal has the lowest site coverage of all of the approved examples with only 44.9 percent site coverage proposed. The other approvals ranged from 46.6 percent to 52.3 percent.
- Only one tree that is protected by the Vegetation Protection Overlay is proposed to be removed to accommodate the three dwellings. As described in the Agenda (Page 179), *'the tree is a Narrow leafed peppermint with a height of approximately 6 metres. Council's arborist has reviewed the proposed tree removal and is satisfied with its removal. The tree is in poor health and structure and has a low amenity value. The tree also has a short life expectancy of no more than 3 years'*. This tree (along with other trees not protected by the Bayside Planning Scheme) will be replaced by nine new canopy trees of which eight will be indigenous as shown in the extract below which is taken from the landscape plan prepared by Wallbrink Landscape Architects.

Origin	Code	Botanical Name	Common Name	Min Supply Container	Min Supply Height	Min Supply Calliper	Mature Size (m) (HxW)	Totals
Large Evergreen Trees >11m High								
Indigenous	Bii	<i>Banksia integrifolia</i>	Coast Banksia	400 mm pot	2m	25mm	10-20x5-12	5 Large Evergreen Trees 5
Medium Evergreen Trees 8-11m High								
Indigenous	Llai	<i>Leptospermum laevigatum</i>	Coast Tea-tree	400 mm pot	2m	25mm	6.8x2.6	3 Medium Evergreen Trees 3

- Most approvals included variations to ResCode and in most cases this included side and rear setbacks (Standard B17). In this application, there is a minor non-compliance to the north side of Dwelling 3 and a non-compliance to the west which relates to the rear where there is a Telstra car park adjoining and this is a non-sensitive interface. These variations are supported by the planning department in Section 6.2 on pages 176 – 178 of the Agenda.

In addition to our analysis of recent applications before Council, the objectors indicated that there were no other examples of three dwellings in the area. We have subsequently analysed aerial photography in Beaumaris and we advise that there are in fact many examples and some are shown below.



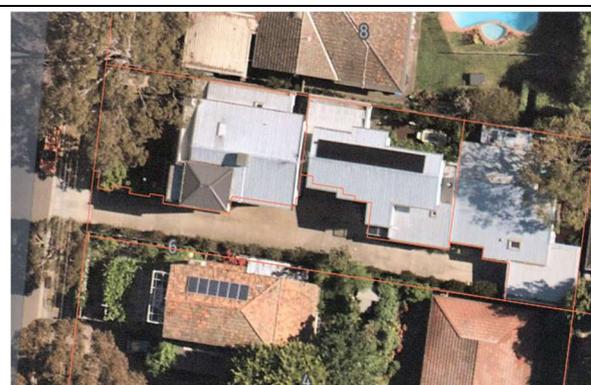
[104 Reserve Road](#) – 3 x Double Storey Dwellings.  
880m<sup>2</sup> (approx.). Ratio: 1:292 m<sup>2</sup>



[122 Tramway Parade](#) – 3 x Dwellings (Two double storey and one single storey). 903m<sup>2</sup> (approx.). Ratio: 1:301 m<sup>2</sup>



[22 Banksia Avenue](#) – 3 x Double Storey Dwellings.  
1021m<sup>2</sup> (approx.). Ratio: 1:340.3 m<sup>2</sup>



[10 Morey Road](#). 3 x Dwellings (Two double storey and one single storey). 743m<sup>2</sup> (approx.). Ratio: 1:247m<sup>2</sup>



[2 Bayview Road](#) – 3 x Double Storey Dwellings.  
896m<sup>2</sup> (approx.). Ratio: 1:298m<sup>2</sup>



[3 Balcombe Road](#) – 3 x Double Storey Dwellings.  
742m<sup>2</sup>. Ratio: 1:247m<sup>2</sup>



[559 and 561 Balcombe Road](#) – 3 x Double Storey Dwellings on each block. 938m<sup>2</sup>. Ratio: 1:312m<sup>2</sup>



[117 Cromer Road](#). 4 x Single Storey Dwellings. 856m<sup>2</sup> (approx.). Ratio: 1:214 m<sup>2</sup>. Note: This is older than some of the other examples.

Having established the site is appropriate for three dwellings based on the large land size and examples in the area, we submit that the design response is appropriate for the following reasons:

- The proposal will present as one dwelling to the street.
- The proposal will offer a high quality architectural presentation that will positively contribute to the area.
- The proposal provides housing diversity within the area and a high standard of urban design and amenity for the future occupants.
- The provision of three dwellings on this site is consistent with urban consolidation principles and the objectives contained within the Planning Scheme which seek to accommodate population increases and respond to changing demographic profiles, including those people within the Municipality who want modern facilities and a smaller allotment size.
- The proposal is a site responsive design that is consistent with preferred neighbourhood character objectives and strategies for the area. A very detailed analysis of the key reasons has been provided by the planning department in Section 6.1 on pages 174 – 176.
- The proposal will provide an attractive landscape setting with a landscape palette including predominantly native and indigenous vegetation.
- The proposal does not result in any unreasonable overshadowing as it is largely contained within the subject site and predominately falls on the proposed driveway which extends along the southern boundary.
- All windows that have the potential to overlook adjoining properties have been screened to a height of 1.7 metres as required by the Planning Scheme.

- We understand objectors are concerned about overflow parking, however this is expected to be very minimal as each dwelling is provided with a double garage as required by Clause 52.06 (Car Parking) and Dwelling 1 has a separate driveway that can accommodate a third car space.
- The proposal displays a high level of compliance with the relevant ResCode Standards as confirmed by the Planning Department in their recommendation to support the proposal.
- The proposal is considered to be consistent with the orderly planning of the area and will not unreasonably impact on the amenity of the area or adjoining properties consistent with the objectives of Clause 55 (ResCode) and requirements of Clause 65 (Decision Guidelines).

Overall, we consider the proposal to be appropriate having regard to the Planning Scheme provisions.

We therefore urge Councillors to support the application and if you have any questions prior to the Meeting, please email [jason@squareback.com.au](mailto:jason@squareback.com.au) or call us on 9965 1930.

Regards,

A handwritten signature in black ink, appearing to read 'JB', with a horizontal line underneath and a diagonal slash through it.

Jason Barnfather  
Director  
**Squareback**

**Item 4.5**

**9 Waverley Street, Brighton East**

## **1. Dr Gurdip Aurora (O)**

Waverley Street is a very unique street in the sense it has only 10 houses. Out of the 10 dwellings, 7 houses are more than 30 years old. There are only three dwellings which are new or have been tastefully renovated in the past decade or so.

The seven older houses will either need to be pulled down or will require extensive renovations. The street has yet got no twin dwellings.

In my original submission I have already referred to the traffic issues in the street.

Councillors, if you were to approve a permit for a twin dwelling on 9 Waverley Street, it will set a precedent for future applicants for a twin dwelling on the street. In a worst case scenario, there may be 7 applicants requesting permit for twin dwellings on their property. The traffic issues on this quiet street will hence be unimaginable.

I therefore urge you to reject the application for a twin dwelling on 9 Waverley Street on the grounds of environmental degradation, loss of wild life (Birds, possums etcetra) in the area by removal of trees, traffic pollution and congestion in the streets by extra traffic generated in the streets. We all need to do our part in keeping our environment pristine.

## **2. Mr Graham & Heather Forster (O)**

### **Objection to the granting of a building permit – 9 Waverley Street, Brighton East**

We would like it noted that we object to the granting of a building permit for a dual occupancy construction at 9 Waverley Street, Brighton East.

We have been residents of this address for approximately 35 years. The street is tree-lined and only accommodates 10 residential homes.

I am aware of a recent successful objection to a dual occupancy build at number 1 Waverley Street due to amenity issues, your records will attest to this.

I am also aware that a recent sale of number 3 Waverley Street will most likely result in another development application for a dual occupancy build.

This street can not support the proposed development of number 9, nor any other potential developments.

It is the consensus of residents of Waverley Street, (9 of the 10 homes being owner / occupier) that developments of this sort diminish property values, increase parking congestion and impinge on the close nit community atmosphere of the street.

Thank you,

Sincerely

Graeme & Heather Forster.

### **3. Ms Carolyn Graffeo (O)**

Dear Councilors

Thank you for your time in the review of this application and associated objection.

Whilst I am sure you have read the prior correspondence outlining the objection points and are aware, I would like to take this opportunity to remind you there are faces behind the names on the papers presented. Business people and local residents alike. If it were possible, we would attend in person to verbally and to visually convey our concerns.

We, the residents do not object to change or progress. We do feel the proposed dwelling is too big for the site and street. The street is full of long-term owners/residents who care for our amenities and right to quiet enjoyment of our homes. We have and continue to encourage the developers to consider other options for the site.

The developers would have you believe their proposal is good for us, the council area and them, this is not the case. Their response to the objections raised during initial processes repeated what was in the original documents lodged with council. They reiterate that the design is in keeping with the neighbourhood and surrounding new developments and the local area plan for greater density, and therefore appropriate. Opinion as to this being the case is clearly not at a consensus, but even if it is – I ask at what point is enough, enough for density development? We already have multiple new homes on the block (Waverly St, Henty St, St. Georges Crt, Dendy St and Walstab St) and surrounding blocks. Pine Street (intersecting with Walstab St) is renewed. The development at the old Knobs and Knockers site. This immediate area has had its fill. Traffic and density have all increased causing greater congestion in the area.

Waverley Street is a small side street. All homes in Waverley Street are single occupancy on a lot. Two story or not. The street has zero timber fences so permeable fence or not it isn't the same. St Georges court and Walstab St are much wider street scapes and different frontages, so reference to buildings there is not completely comparable. Family homes of 4 bedrooms will have more than two cars, this is not a public transport area, so reducing the street parking space will be of impact (due to additional crossover). Rebuttal can continue endlessly; perspective will always vary. Is the benefit maintenance of residential amenity and support of long-term local residents or developer business profits?

There were many items not at code. Vegetation impacts are significant. Outlook and privacy are directly impacted.

I accept residents and developers will usually always have opposing opinions. The design presents two lovely homes, but they are not for small Waverley St. A street destined to see dwellings change, but hopefully without significant impact to the density. Also, hopefully with greater stewardship of building resources and the environment with homes lasting longer than 30 years.

I respectfully request you deny this application without reservation.

Carolyn Graffeo  
Resident (of 48 years)

PS. At the time of writing the above statement, required access to the meeting agenda and associated report was not available, due to council administrative error on the Bayside web site. Not going through this/or similar process before I was not expecting a 73 page report in a 247 page document to read when returning to this task. Thus, I have had insufficient time to reflect on and fully comprehend the report presented to council. The points below relate to matters of the recommendation report I would address, had I been able to complete the task when I began it.

The need to respond in writing due to COVID rules is a further impediment. It lacks the ability to inter-act on a personable level and to use other tools to convey meaning.

- Evidently council has some concerns given the recommended alternations.
- Parking congestion – not asking the developer to address the issue, asking to not have spaces reduced by additional crossover. Two for on-site (even three – garage and driveway). However, four bedroom proposal – is 10 potential drivers. They might find space on Marriage Road. Forget Henty St and Walstab St.
- Street trees – again I remind you of your earlier decision that the trees were required. If this one is being removed perhaps you should reconsider our request for removal of others that was denied.
- Whilst council acknowledges the sensitive interface of 14 Walstab St and new proposal. More than an increased setback is needed to lessen visual bulk. Going from 1 to 6 overlooking windows and large pergola poles, isn't ideal. It is true that the boundary adjoins highly utilized area of secluded open space and looks directly into habitable rooms.
- Marginal non-compliance is non-compliance. The pergola black metal poles are unsightly.
- No timer fences or flat rooves in the street
- Whilst council report indicates compliance with overshadowing, daylight to habitable room windows and overlooking standards. Let it be noted the developer planning permit acknowledges there will be some additional overshadowing of open space areas to three (3) neighbouring properties.
- Certainly, looks like boundary to boundary to me regardless of setbacks.

Finally,

I would ask that the records be amended to reflect the error in the council recommendation report. The owner of 14 Walstab St did not lodge an objection, I as resident of 14 Walstab St lodged the objection. The owner (and resident) was aware that an objection was being lodged.

Where the report indicates that the consultation meeting was attended by two objectors and developers, the apologies of Dr. B Auora were provided, due to hospital work commitments.

**Item 4.7**

**36 Paul Street, Cheltenham**

## 1. Mr Chris Pippo (for The North Planning) (A)

Dear Sir / Madam,

5/2021/432/1  
36 Paul Street, Cheltenham

We thank you for the opportunity to prepare this written submission in relation to the development application at no. 36 Paul Street, Cheltenham.

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

We say the application before you is one that strikes the right balance between what is being asked by the Bayside Planning Scheme and the character of the area.

We say the two, modest dwellings will sit comfortably within Paul Street, and its contemporary presentation is consistent with recent developments within the character precinct area. We concur with the findings of the planning report that *The proposal is considered to demonstrate an appropriate level of compliance with the general strategies of Clause 15.01-5L and preferred character strategies of the H5 precinct as discussed below [p.340].*

The proposal continues the theme of appropriate setbacks from side boundaries, which in turn ensures it has limited impact upon external, residential amenity. Importantly, where a variation to the setback requirements is proposed, it is countered by providing setbacks to other walls that exceed Bayside setback standards. This is evident on both the side elevations and ensures a balanced approach is delivered.

The proposal provides a surplus of car parking on the site, thereby reducing its reliance on on-street, visitor parking.

As it relates to the vegetation on the subject site, we note the position of Council's arborist, which reads as follows [p345]:

*The proposed vegetation is considered satisfactory as none of the vegetation proposed to be removed is protected by any statutory mechanism. In addition, the vegetation proposed to be removed is considered not worthy of retention.*

*Much of it is exotic species or low in scale and through its removal an approved landscape opportunity will be provided to allow more substantial vegetation to be planted.*

*This will create an improved landscape outcome for the site which will contribute to the garden character of the area.*

Collectively, we say a balance approach has been achieved.

Finally, and following the consultation meeting, we have reached out to discuss this application with abutting neighbours that are most impacted by the proposal. This exercise has resulted in the following.

1. A signed letter has been presented to the planning department on 06/03/2022, which we respectfully asked to be tabled at the Planning & Amenity Delegated Committee Meeting. The letter states that following discussions between the landowner and no. 38 Paul Street (objecting party), subject to the inclusion of conditions, Ms White (no. 38 Paul Street) is satisfied her concerns have been addressed.
2. Second, we note the neighbour to our rear has raised concerns with overlooking. Whilst the windows of concern are compliant (Bed 3 east facing windows of each dwelling), we are not opposed to a condition requiring these to be screened.

These outcomes demonstrate the applicant's willingness to listen and try to respond to residents' concerns.

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

Thank you.

**CHRIS PIPPO**  
Director

**Item 4.8**

**9 Erowal Street, Beaumaris**

1. **Mr Keith & Mrs Martha Weddell (O)**

Dear Councillors,

We have two issues we would like considered in the plans.

1. We request the two upper storey rear windows be frosted or screened to preserve our back yard privacy.

2. We request the east facing rear family room window be screened appropriately to prevent the occupants seeing into our upper storey bedroom windows and to preserve their privacy also.

Thank you for your consideration.

Kind regards,  
Keith and Martha Weddell