

Requests to be Heard

13 June 2023

Planning and Amenity
Delegated Committee Meeting

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WRITTEN STATEMENTS

Item 4.3 23 Reserve Road, Beaumaris	Objector (O) Supporter (S) Applicant (A)
1. Mrs Trudi and Mr Scott Sampson	(S)
<p>Dear Chairperson and Members of the Bayside City Council Planning and Amenity Delegated Committee,</p> <p>As neighbours to 23 Reserve Road, we FULLY support the removal of the two trees specified in the application. Specifically, Tree 1 - Monterey Cypress has limbs that partly cover our second story roof. The limbs have caused gutter damage, broken roof tiles and has resulted in creating a roof leak to our home. In addition, we intend to put solar panels on the roof but are currently prohibited due to the overhanging limbs over our roof structure. During a strong Westerly and South Westerly wind, the upper tree moves dangerously and we have witnessed movement in the upper trunk in these strong wind conditions. While Tree 2 - Deodar does not impact our property, it has been obviously dead for years and detracts from the positive natural and lively aesthetics that Bayside residence expect of the area.</p> <p>Thank you for your consideration..... Trudi & Scott Sampson</p>	

To Bayside City Councillors,

The site of 23 Reserve Road, Beaumaris encompasses non-native trees that are very mature. We believe that the species, health status and the proximity to nearby dwellings of these trees makes them inappropriate for this residential property.

The two trees in question are a Cedrus Deodara and a Cypress macrocarpa.

The Cedrus Deodara is located close to the house and has been dead quite a while. This species of tree is very brittle and even more so now being dead, so with that in mind the recommendation is to remove before limb failure occurs which could potentially impact nearby structures and persons. The delamination present on the tree is a sign of decay which is an advanced indication of potential limb failure.

The Cypress macrocarpa is within a metre of the house which is an inappropriate planting.

The root system is compromised due to the two houses being within the critical root zone. This meaning that the tree has the potential to cause structural damage to both houses. Due to the compromised root system, the tree root system isn't growing true to form due to the restrictive nature of the surrounding buildings which could compromise the stability of the entire tree.

In conclusion, as qualified arborists we recommend the removal of these two trees for the reasons outlined above to ensure the safety of our client and their surrounding neighbours, persons and property.

Regards,

Jamie Baxter

Director Treeman Melbourne

AQF Level 3 Arborist



Date: 09/06/23

Item 4.8 1 Michael Avenue, Beauamris	Objector (O) Supporter (S) Applicant (A)
1. Dr Boris & Mrs Oksana Mezhov	(S)
<p>Request for Tree Removal Impacting Our Properties</p> <p>Dear Members of Council,</p> <p>I am writing in support of the application for removal of a tree situated on the Chris and Jane Scott's property at 1 Michael St, Beaumaris. It does significantly affect my property at the 3 Michael St. Beaumaris.</p> <p>The problem is that a single tree, probably self-planted many years ago has expanded up to the level that it obviously damages my property, either by the roots expansion under the house, or by a dramatic shadowing of the entire house which could cause a mould infection. There are real concerns of the building integrity of our dwelling houses. It triggers significant extra electricity expenses as well.</p> <p>It seems highly unlikely that this tree, which is not a native one, nor represents any horticulture value was planted by a human at a distance of 30cm from the mutual fence or 1,8 meters from the neighbourhood property.</p> <p>Following consultations with arborists, it has been unanimously advised that the tree's complete removal is the only viable solution. The removal will prevent any further harm to our properties. Furthermore, it will open up the possibilities for the introduction of more suitable tree species, which will contribute to a healthier environment and enhance the visual appeal of our surroundings, including native plants.</p> <p>As a neighbouring property owner, I do confirm again that that tree's extensive root expansion causes a considerable damage to both our properties. Despite the efforts made to attend to the tree's well-being and mitigate potential risks, the uncontrolled growth of its roots and branches has become a threat to nearby structures and to the overall landscape.</p> <p>In the light of all above, and due the potential risks associated with the current state of the tree and our suffering dwellings I kindly request your review and approval of the permit for that tree removal. The vegetations which will replace this dangerous tree will contribute extremely positively into a local horticulture and into the Seaview area image.</p> <p>Thank you for your time and consideration. We eagerly await your favourable response. Collaboration between neighbours and the City Council in resolving this issue which significantly affects both our properties, is of utmost importance.</p> <p>Sincerely Yours Dr. Boris Mezhov GP.</p> <p style="text-align: right;">Mrs. Oksana Mezhov</p>	

I am writing regarding the application for removal of a tree located at 1 Michael St, Beaumaris. After careful consideration and consultation with certified arborists, it has become evident that the tree in question necessitates removal.

The tree in question, has been causing severe damage to the surrounding area due to its root system. Despite efforts to maintain the tree's health and mitigate any potential hazards, its root system has grown significantly posing a threat to nearby structures, potentially underground utilities, and the overall stability of the landscape. The root system has already caused damage to the pavement in the vicinity, and we are concerned it will get worse.

Additionally, the tree's overall condition has deteriorated over time. It has not received proper care and maintenance, which has resulted in being extensively overgrown and its leaf litter is blocking draining and roofing. Regrettably, the tree has reached a point where simple pruning or trimming would not be sufficient to rectify the situation, and further attempts may pose a safety risk to both the property and its inhabitants.

Given the circumstances and after consulting with arborists, it is their professional opinion that the only viable solution is the complete removal of the tree. Removing the tree will not only mitigate the risk and prevent further damage but also pave the way for replanting a more suitable species that would be beneficial for the environment and aesthetically pleasing.

I kindly request your assistance in facilitating the process of removing the tree. We recognise the regulations and procedures in place to ensure the preservation of trees, and I assure you that I have taken all necessary steps to ensure compliance with such regulations, including utilising this process.

Kind regards,
Jane & Chris Scott

Item 4.12 24 & 28 Thomas Street and 36–38A Deakin Street North, Hampton	Objector (O) Supporter (S) Applicant (A)
1. Dr Jonathan Nightingale (on behalf of Hampton Neighbourhood Association)	(S)
<p>This application for a planning permit (planning application ref.: 5/2022/248/1) contemplates construction of three, three storey residential apartment blocks comprising 23 dwellings on a consolidated lot of 2336m² at 24 & 28 Thomas Street & 36-38A Deakin Street North, Hampton.</p> <p>Hampton Neighbourhood Association (HNA) urges councillors to support a grant of permit. Our reasoning follows:</p> <ul style="list-style-type: none"> - HNA supports development which is consistent with Bayside planning guidelines and reasonable community expectations. Having reviewed the community-facing aspects of this proposal we are of the view that it demonstrates compliance with the provisions of Bayside’s planning scheme in all but the most minor of respects. Additionally, we note that the proposal demonstrates material exceedance of compliance with planning scheme requirements in the following important aspects: <ul style="list-style-type: none"> 1) A commitment by the applicant to a sustainability performance (as measured using the BESS approach) of at least 60% (as against the minimum performance requirement of 51%), as well as a NatHers rating for each three storey block of at least 7 stars (pre-empting new NatHers requirements not due to come into force until October 2023). 2) Elimination of overlooking issues into all rooms and entire private open spaces of immediately adjacent residencies at 26, 30 and 4/32 Thomas Street and 34 Deakin Street North. Measures taken to achieve this materially exceed those normally employed in satisfaction of the 9m overlooking rule, and effectively eliminate overlooking issues out to a distance of 20-25m. - In preparing the proposal, the developer has demonstrated a high level of respect for the local community, through: <ul style="list-style-type: none"> 1) Numerous consultations/ negotiations with an objector grouping of affected local residents, as well as HNA (as representative of the broader community); and 2) A willingness to amend its plans to address concerns arising. <p>The outcome of those discussions is the proposal which councillors will consider at the 13 June meeting. This proposal not only incorporates the exceedances vs planning scheme requirements as noted above, but also material improvements in arrangements for entry and exit of traffic to the proposed underground car park and improved front fence treatments (all as compared with the original proposal lodged with Council). Taken together, all of these amendments have resulted in a proposal which HNA believes merits support.</p> - In the event that Council is minded to issue a permit for the application, HNA is of the view that this will avert the extended uncertainty of a VCAT appeal procedure, which HNA firmly believes would in any case yield a permit for the applicant without further amendment. The proposal before councillors (including all of the above improvements/ planning scheme exceedances) in HNA’s opinion benefits from a high standard of architecture, a high sustainability performance and strives to minimise off-site amenity impacts. As a result, HNA firmly believes that it would be strongly supported by the 	

Tribunal and, importantly, be supported with precious little by way of additional permit conditions/ plan amendments.

In light of all the above, HNA therefore supports the application and urges councillors to do so also.

2.

**Mr Paul Little (for Spyre (Hamptons) Pty Ltd c/-
Planning & Property Partners Pty Ltd)**

(A)

PLANNING & PROPERTY | **PARTNERS**
LAWYERS & CONSULTANTS

12 June 2023

Planning and Amenity Delegated Committee

By online submission

Dear Committee,

**PLANNING PERMIT APPLICATION 2022/248/1
24 & 28 THOMAS STREET AND 36-38A DEAKIN STREET NORTH, HAMPTON ('Site')**

We write to you on behalf of our client Spyre (Hamptons) Pty Ltd in relation to their proposed development on above consolidated site, containing three (3) three-storey residential buildings comprising a total of 23 dwellings and which forms Agenda Item 4.12 of Tuesday's Planning and Amenity Delegated Committee meeting.

In addition to the supporting officer report and recommendation before the Committee, we provide the following written statement to assist in your consideration and determination of this matter:

- Our client has worked closely with Council's statutory planning officers, partaking early in the 'gold standard' pre-application meeting process before lodgement of the application and responding to a variety of requests and clarifications from various departments of Council. The culmination of this work is reflected in the supporting officer report, drafted conditions, and recommendation before the Committee.
- The Site is a strategically located, consolidated land parcel which forms part of the Hampton Street Major Activity Centre ('MAC'). The Site is located approximately 235 metres off the MAC's retail Hampton Street core and within its defined 'residential precinct' pursuant to DDO12 and Clause 11.03-1L-04 Bayside Planning Scheme ('Planning Scheme'). As reflected in the Council officer report and clearly supported in the Planning Scheme, such context is one where increased housing density and diversity is to occur and which needs to be a determining factor in Council's decision-making process in responding to the State-wide demand for additional housing.
- The design response has evolved with a clear understanding of the planning controls in place and the Site's opportunities and constraints, namely its land size area, dual street frontages, prominent north-south slope and noted sensitivities. The design response has sought respond to such characteristics, while striving to achieve a balance between the sought after increased density/diversity policy objectives with Council's neighbourhood character outcomes as they apply to the Site.
- Critical to achieving such a balance on this unique site, has been the careful siting of the buildings in their presentation to the street frontages and spacing from each other and the Site's boundaries. Such siting of built form enables the architectural design quality to be appreciated from various angles, while enabling excellent landscaping opportunities which increases the number of trees across the Site while softening the built form contribution to the streetscape and to neighbouring properties.
- Following the initial public notice period in October 2022 and the community information session on 14 November 2022, our client has shown a genuine willingness and commitment to engage with the community. They have undertaken extensive, additional consultation following significantly beyond the statutory/Council processes, for the past 6-7 months. Such additional consultation has included:
 - Direct engagement with nearby resident objectors;
 - Face-to-face and online meetings with individuals and resident groups, including the Hampton Neighbourhood Association ('HNA');

- Provision and testing of alternative design outcomes and additional material;
- Various written correspondence and phone discussions.
- Through close engagement with key representatives the HNA, our client undertook extensive design changes to the development ultimately leading to their support.
- Such changes included provision of a new, additional exit only vehicle ramp to Deakin Street North in managing local traffic movements and internal circulation; revised and reduced substation height and scale to Thomas Street; reduction in front fence heights; increased building setbacks to 'Building B'; revised overlooking balustrade treatments; and commitments to an enhanced ESD outcome for the development to exceed 'best practice' standards (as reflected at Condition 11a) and 11b) of the Council officer recommendations).
- Such changes were committed through submission of a s.57A Amendment to Council on 28 March 2023, lead to HNA's overwhelming support for the proposal, while triggering a re-adverting process for the application.
- Our client is continually engaging with objectors up until this very day, and have submitted additional sketch plans informing further design solutions they are willing to undertake in further addressing resident concerns. These sketch plans can be included as an additional conditional requirement and inform the following further updates:
 - A shift in the exit vehicle ramp to Deakin Street North further north so this is located 2m from the southern boundary to its kerb, creating an approximate 1.5m landscape edge at this southern interface.
 - Provision of a vehicle access gate internally within the ramp to reduce impact of headlights from exiting cars while providing added security to the basement area.
 - Increased balustrade/screen height to 1.7m at Level 2 along the southern elevation of Building C, beyond standard ResCode requirements.
 - Provision of internal 1.7m high gates to the southern balcony areas of Apartments 301 and 304, restricting the trafficable areas of these balconies along the building's southern interface.
 - Reduction in the size of the rooftop terrace area at its southern edge.
- Such additional changes reflect our client's ongoing commitment in engaging with the local community. It is acknowledged that the development is to present a change to the area, however this is not the test and within such MAC locations change is to be expected in responding to outstanding objections.
- The proposal successfully achieves a balance between the planning controls in place and policy requirements relevant to the Site, including the development's response to ResCode with only minor variations sought to some side setback requirements due to the Site's noted slope. The proposal's ability to satisfy all other built form and off-site amenity requirements of ResCode (site coverage, permeability, overshadowing, overlooking) inform the siting of built form is appropriate within this residential precinct of the Hampton Street MAC.

Through our client's good will and actions, the evolved design response provides a positive contribution to this evolving character of the Hampton Street MAC and housing contribution in general and we implore the Committee to support this application as recommended by officers.

Should the Committee require any additional information or wish to discuss this application in further detail, please contact the undersigned on 8626 9070– (email: little@pppartners.com.au).

Yours faithfully,



PAUL LITTLE
Planning & Property Partners Pty Ltd

Item 4.13		Objector (O) Supporter (S) Applicant (A)
32 Kendall Street, Hampton		
1.	Mrs Fiona Zhang	(O)
<p>We object to the development on the basis that it is too bulky and will impact significantly on our property and quiet enjoyment. Specifically the reasons for our objection are as follows;</p> <ol style="list-style-type: none"> 1. We do not understand how a development is allowed to build right on our boundary line. We understood that except for a garage all livable areas should be set back. Contrary to the proposed dwelling adjoining 34 Kendall where only the pantry is proposed on their boundary, a significant portion is proposed to be built on our boundary including pantry, kitchen and pool. In regards to the kitchen we need to understand how the flu is proposed because if is flued out the side wall then all cooking smells will be directed onto our property which is unacceptable. 2. The positioning of the pool on the boundary is also objected to and we are concerned as to its proximity to our dwelling and potentially affecting our foundations with a substantial body of water not to mention water seepage. The pool must be set back off our boundary with a proper retaining wall and cannot but onto our fence line. The location of the pool is also going to affect our quiet enjoyment of our property as it abuts our backyard and we are concerned as to the noise involved in kids jumping into pools. We note the pool is only 6m x 3m which does not lend itself to swimming but simply a plunge pool with kids just jumping in. we do not understand why the pool is not positioned at the back which would be further away from our dwelling and that our the rear neighbour. 3. We are also concerned as to pool safety where a boundary fence can be climbed and hence would not comply with pool regulations. 4. In regards to the first level we note that bedroom 2 has a substantial window which overlooks into our property and directly into our upstairs bedroom. We require appropriate screening to prevent overlooking. 5. We do not understand why unit 1 on our boundary does not have the same design as unit 2. 6. We also object to the overall bulk of the development which we suggest does blend it with the rest of the street landscape and not in keeping with the neighbourhood. 7. Due to its bulk we are also concerned as to overshadowing issues and require to see the shadowing analysis. 8. We also believe that the development will devalue our property. <p>We would also like the opportunity to further discuss this development after we have had the opportunity to further discuss</p>		

Item 4.14		Objector (O) Supporter (S) Applicant (A)
110 Cochrane Street, Brighton		
1.	Mr Peter Hodder	(O)
<p>Whilst the latest plans are an improvement , the 12mx 3.75m height plane white wall fronting May St does NOT meet the requirements for the new building within the Heritage area - namely</p> <ul style="list-style-type: none"> . It is NOT “ sympathetic to the significance and character “ of May St Edwardian architecture . It does NOT adopt an “ understated character “ ands is “ visually dominating “ to May St . The May St side set back does NOT meet the Corner Property Siting Requirements ref Reg 74, 75, 79 requiring a 2.00m setback and a 3.600m height max . It “ obscures the view of the adjoining contributory building “ in May St <p>The wall is bland and visually dominating and out of character with May St A landscape solution to “ soften “ the wall is not a permanent solution . At any time by either present owner or future the vegetation can be removed .</p>		

OBJECTION

Re: Agenda item 4.14 - 110 COCHRANE STREET, BRIGHTON, NOTICE OF DECISION TO GRANT A PERMIT"

It is perplexing that Council's Planning Officers recommend granting a permit for this new building when the proposed works contravene the following:

1. Siting Requirements, for Single (One) Dwelling and Associated Outbuilding/s on Sites Over 500sqm in Residential Zone NRZ3
2. Heritage Overlay (HO657) – Hamilton St Heritage Precinct

Siting Requirements

We're not talking about one minor contravention of the Siting Requirements, the proposal does not meet the following FOUR regulations;

1. Fails to meet MINIMUM STREET SETBACK (Regulation 74) – the side street setback is less than 50% the required 2.12 M
2. Fails to meet SITE COVERAGE (Regulation 76)
3. Fails to meet CARPARKING (Regulation 78) as per Building Regulations 2018
4. Fails to meet SIDE AND REAR SETBACKS (Regulation 79)

Heritage Overlay – Hamilton St Heritage Precinct

It's important to note that not only does the property have a general Heritage Overlay, it is also part of a **Heritage 'Precinct' (HO657)**, as is the street to the side of the property, May St, which seems to have been ignored by Council's Heritage Consultant.

In a Heritage Precinct new buildings adjacent to contributory buildings must be **sympathetic to the significance and character of the contributory building and the precinct.**

New buildings must **not visually dominate adjacent contributory buildings or the heritage precinct in terms of size, height or bulk.**

Your Decision

The goals of this building project can be achieved while meeting Council's requirements. Yes, it will need some more design work and it may not be 100% ideal for the applicant, but people should not be encouraged to buy property in Bayside with the expectation they can ride roughshod over the Planning Scheme.

The restrictions are there for a reason and granting a permit which breaches so many regulations creates a precedent which will erode Council's planning controls.

Councillors, please delay your decision and ask your Planning Officers to go back to the applicant and ask them to make a genuine effort to make their design work within Council's requirements.

If you decide to grant this permit, please explain how the proposed white painted 3.75M brick wall along May St, with a white metal fence in front of it, is complimentary to the Edwardian features of May Street. How it would not visually dominate adjacent contributory heritage buildings, and how is it complimentary to the Heritage Precinct. Please also explain why four of Council's siting requirements should be ignored.

SongBowdenPlanning

13th June 2022

Statutory Planning
Bayside City Council
PO Box 27
Sandringham VIC 3191

Dear Members of the Committee,

**5/2023/103/1 – 3 MARSHALL AVENUE HIGHETT
PLANNING PERMIT APPLICATION FOR THE CONSTRUCTION OF TWO (2) DOUBLE STOREY
DWELLINGS**

WRITTEN STATEMENT FOR THE CONSIDERATION OF THE COMMITTEE

We act on behalf of The Trustee for PPZ Investment Trust, the permit applicant, in relation to the above application.

We thank Council for the opportunity to provide a brief statement to discuss the history and merits of the planning application.

The application before the Committee is by no means one that simply seeks a planning permit for the site, it also seeks to provide housing anticipated by State Planning Policy, Council's Planning Scheme, as well as providing change that is reasonable, acceptable and will sit comfortably with its neighbours.

The proposed design response process is very much one informed by the site, its setting and the direction of recent infill development; evident in the street and that espoused by overarching Planning Policy. The merits of the proposal's of sympathetic and respectful layout and design is evidenced by its swiftness through the Request for Further Information (RFI) process, where no ResCode nor Neighbourhood Character concerns were raised by Council. The only item requested by Council was an Arborist report and the following RFI issues listed, which were effortlessly addressed:

- A. *The proposed crossover for Dwelling 2 would be required to be offset 1 metre from the southern side boundary to meet Council's Vehicle Crossing Policy.*
- B. *Further consideration may need to be given to the proposed driveway of Dwelling 2 and its impact on neighbouring trees. However, this would be considered through the requested documents.*
- C. *Council would not support the planting of canopy trees within the rear easement and consideration should be given to locating canopy trees outside of the easement (specifically Tree 3G) of the submitted Landscape Plan.*

The application proceeded to public notice which concluded with the submission of objections from three (3) properties at 1, 7 Marshall Avenue and 207A Bay Road Sandringham, all on west side of Marshall Avenue.

In response, the Permit Applicant requested that an online Planning Consultation be hosted by Council for objectors to directly discuss and clarify their concerns. It was commonly found that objectors considered that the proposal would result:

songbowdenplanning | admin@songbowden.com.au | 03 9077 6115 | Level 2, 700 High St, Kew East VIC 3102

1. in additional traffic in the street and more parked cars that will limit visibility and affect traffic flow, due to insufficient on-site parking provision.
2. in the loss of available on-street car parking spaces.
3. in additional bins adding to existing hazards where bins are placed out on the street for collection, as done by other properties in the street.
4. construction vehicles parked in the street will add to existing traffic issues.
5. in unreasonable visual bulk, height and dwelling density.

Additional concerns were raised by the subject sites southern neighbour at 1 Marshall Avenue, regarding:

6. Overshadowing to neighbouring plants to the detriment of indigenous flora and fauna.
7. Overlooking into neighbouring homes and yards.

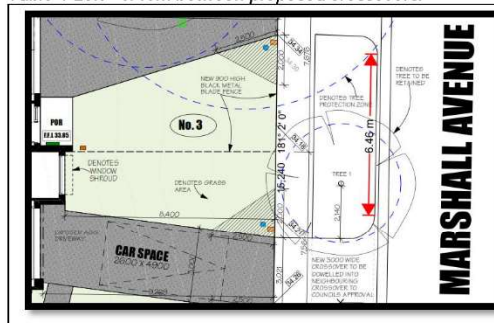
All the above issues were discussed in length with the objectors that attended from 1 and 7 Marshall Avenue. The Permit Applicant, if it was in their power, would like to resolve all the objectors concerns however, the majority of concerns raised are externalities that sit beyond any authority of the *Planning and Environment Act 1987*.

To each of the concerns listed above, the following responses were offered to provide the objectors some perspective of where the onus of each item lays.

Item 1 - additional traffic in the street and more parked cars that will limit visibility and affect traffic flow, due to insufficient on-site parking provision; The proposal comprises of 2 dwellings each with a minimum of 3 bedrooms, Pursuant to Clause 52.06, the statutory rate for on-site parking is 4 spaces. The proposal provides 4 on-site car parking spaces in accordance with the statutory rate.

Item 2 - loss of available on-street car parking spaces; As noted in item 1, the statutory rate for car parking spaces is satisfied. Whilst the addition of a new crossover results in less verge for on-street parking, there remains 6.46m of verge which is sufficient for both a B85 and B99 vehicle. It should be noted that this is the measure by which parking lots are designed, as required by the Australian Standards.

Table 1 Left - 6.46m between proposed crossovers.



Right - dimensions of vehicles used to design car parking - B85.

B85		B99	
	mm		mm
Width	: 1870	Width	: 1940
Track	: 1770	Track	: 1840
Lock to Lock Time	: 6.0	Lock to Lock Time	: 6.0
Steering Angle	: 34.1	Steering Angle	: 33.9

Item 3 - additional bins adding to existing hazards where bins are placed out on the street for collection, as done by other properties in the street; A proposal for 2 dwellings on a lot in this location is entirely worthy of Council collection. It would be expected that future occupants would place bins on the nature strip during collection days, as is the general practice for waste collection in suburban areas. Concerns raised by objectors reflect their experience with other residents in the street. It would be an unfair assumption that the future occupants of the site would contribute to the ill placement of bins on the street. The Permit Applicant advised that if this issue persists then it would fall to Council to educate residents and the waste collection team on waste collection etiquette and the hazards that poor bin placement presents to locals and traffic.

Item 4 - construction vehicles parked in the street will add to existing traffic issues; traffic associated with construction vehicles is not a relevant planning ground to object on, the Permit Applicant could not offer any solutions nor is in position to offer one.

Item 5 - unreasonable visual bulk, height and dwelling density; the subject site is in a Neighbourhood Residential Zone – Schedule 3 (NRZ3) which anticipates incremental change that recognises and respects the neighbourhood character of areas that are predominantly single and double storey. The proposal results in the net increase of 1 dwelling on the lot. The 598sqm lot is required to provide a minimum 30% Garden Area, the proposal provides 38.16%, comfortably exceeding the mandatory control. The NRZ permits a maximum of 2 storeys and 9 metres, the proposal comprises of 2 double storey dwellings, their maximum height is 7.74m. Schedule 3 to the zone varies Street Setback, Site Coverage, Side and Rear Setbacks and Front Fence Heights.

The only variation to the varied Standards proposed is to Side and Rear Setbacks, in respect of Unit 2's northern wall setback where the varied Standard seeks a 2.0 metre setback from the boundary however, its proposed to be 1.6m from the northern boundary. This setback is justified by not being readily visible from the street, located behind a proposed wall on boundary, and the wall interfaces the driveway and garage wall on boundary of 5 Marshall Avenue. The proposed upper floors greatly exceed the varied Side and Rear Setback requirements. Walls are well articulated with fenestration, a blend of materials and tone as well as physical wall articulation. The dwelling density is determined by various quantitative measures of the zone and ResCode by which the proposal comfortably satisfies however, another indicator is the prevailing character of infill development which paints the picture of what Council deems acceptable. Within the last 2 years there have been several similar dual-occupancy (side-by-side townhouse) developments either completed or commenced, these are found at 6a and 6b Marshall Avenue, 43, 45a and 45b Lawson Parade, 15b and 15c, 25a and 25b, 40a and 40b Highland Avenue and 8a and 8b, 10a and 10b, 12a and 12b Gilarth Street, just to name a few in the local area.

Table 2 Local dual-occupancy developments (aerial and frontages)

6a and 6b Marshall Avenue		
43, 45a and 45b Lawson Parade		
15b and 15c, Highland Avenue		

Table 3 Local dual-occupancy developments (aerials)

		
25a and 25b Highland Avenue	40a and 40b Highland Avenue	10a and 10b, 12a and 12b Gilarth Street

Item 6 - Overshadowing to neighbouring plants to the detriment of indigenous flora and fauna; Shadow diagrams supplied demonstrate that shadows cast to the south do not extend further than the shadows cast by the common boundary fence with 1 Marshall Avenue. Simply put, shadows fall within existing areas covered by shadows, no new material detriment is proposed by overshadowing.

Item 7 - Overlooking into neighbouring homes and yards; All upper floor habitable room windows with potential for views to sensitive areas within 9 metres are provided with sill heights to a minimum of 1.7 metres above finished floor level (FFL), in accordance with Standard B22. One minor oversight was highlighted by Council that Unit 1's southern sitting room window presents potential for overlooking as the FFL is above 800mm. It was agreed at the consultation meeting that the Permit Applicant is more than accepting of a permit condition to provide screening in accordance with Standard B22: Overlooking.

Overall, the proposal submits a design that has high compliance with the relevant ResCode Standards and Clause 52.06 Car Parking. Its also submitted that the design is respectful of the strategies espoused by the relevant Character Precinct (G1) with regards to the design detailing and spacing around dwellings to accommodate vegetation. As outlined above, this is not an application seeking to push the limits of predefined building envelope, siting coverage or its neighbour's amenity. It should be considered for what it is, a modest and well composed design respectful of its setting and the amenity of its neighbours, in so far as the Planning Scheme contemplates.

As discussed above, the proposal in some circumstances goes above and beyond what the Planning Scheme requires and anticipates as a reasonable and acceptable outcome. We see this is the right approach for the site, its context as well as its neighbours.

We trust the enclosed information is satisfactory to the Council. If you require any further information, please do not hesitate to contact our office.

Yours faithfully,
SongBowdenPlanning



Tasman Jones
 Senior Planner

Enc.

songbowdenplanning | admin@songbowden.com.au | 03 9077 6115 | Level 2, 700 High St, Kew East VIC 3102