

# Requests to be Heard

8 August 2023

Planning and Amenity  
Delegated Committee Meeting

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### 8 August 2023 Planning and Amenity Delegated Committee Meeting

<b>Item 4.5</b>		<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>6 Towers Street, Beaumaris</b>		
<b>Requests to Speak</b>		
1.	Mrs Lisa Brick	(O)
2.	Mr Peter Bucovaz	(O)
3.	Mrs Gabrielle McDermott	(O)
4.	Mr Eddy Daemen	(O)
5.	Mrs Hayley Robinson	(O)
6.	Mr Chris Pippo	(A)

<b>Item 4.6</b>		<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>6 Hazel Avenue, Highett</b>		
<b>Requests to Speak</b>		
1.	Mr Trevor Layzell	(O)
2.	Mr Peter Vien	(O)
<b>Written Statements</b>		<b>(Page 5)</b>
1.	Mrs Yuliya, Mr Andrew & Mr Anatoliy Kopyl	(O)
2.	Mr Trevor Layzell	(O)
3.	Mr Peter Vien	(O)

<b>Item 4.7</b>		<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>637–639 Nepean Highway, Brighton East</b>		
<b>Requests to Speak</b>		
1.	Mr Travis Saunders	(S)
2.	Dr Samuel Verco	(A)

<b>Item 4.8</b>		<b>Objector (O)</b>
<b>1-1A Centre Road, Brighton</b>		<b>Supporter (S)</b>
		<b>Applicant (A)</b>
<b>Requests to Speak</b>		
1.	Mr Paul Little (for Planning & Property Partners Pty Ltd)	(A)
<b>Written Statements</b>		
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1.	Mr Paul Little (for Planning & Property Partners Pty Ltd)	(A)

# **WRITTEN STATEMENTS**

<b>Item 4.6</b> <b>6 Hazel Avenue, Highett</b>	<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>
<b>1. Mrs Yuliya, Mr Andrew &amp; Mr Anatoliy Kopy</b>	<b>(O)</b>
<p>We would like to reaffirm our objection to the proposed planning permit for 6 Hazel Avenue, Highett.</p> <p>The suggested minor changes by the Bayside Planning Group have not resolved our concerns with the proposed development and most importantly the building is still not compliant to the Building Code.</p> <p>Variations are being sought for side setbacks and walls on boundaries confirming the build is not well designed, considerate of surrounding neighbours and a reasonable development for Hazel Avenue.</p> <p>What is very disappointing, there has been no consultation by the applicant and it appears a “developer” is wishing to impose an overly large construction, without any consideration of neighbours and our street character.</p> <p>Regards,</p> <p>Yuliya, Andrew &amp; Anatoliy Kopyl</p>	

Dear Councillors

**Re: Objection to Planning Permit 2023/126/1**

On behalf of our family I would like to object to the granting of a planning permit for 6 Hazel Avenue.

The Bayside Council Planning Group have only suggested minor changes to the plans, which will still not meet RESCODE. Importantly, the non-conformances are concerned with amenity and further demonstrate the plans are not considerate of neighbours.

The proposed plans in their current form will result in significant and unreasonable detriment on our property (41 Spring Road), with large visual bulk issues all the way along our rear boundary. The extremely large wall (7.4m long and in excess of 3.2m high) on the boundary does not respect the existing or preferred neighbourhood character and significantly impacts the amenity of our dwelling. This wall will act to box in our most valuable secluded private open space (SPOS) and limit the open aspect to the sky and sunlight we enjoy from our SPOS and rear outdoor patio (entertaining) area.

Plans for the 3.2m high wall show living areas on the other side, rather than a garage (@2.2m high) that is currently in place along approximately 5.5m of the rear boundary. Importantly, the current garage at 6 Hazel Avenue abuts our cement sheet shed for nearly 4m and is not impactful. The proposed boundary wall however is planned to be further along our boundary, with only @1m overlap with our current shed and will therefore be most impactful.

Most of new side by side (twin dwelling) houses in our neighbourhood have garages on the fence line at a much lower height, to be respectful to neighbours and to avoid large visual bulk issues, shadowing and potential setback issues. Again, the current proposed wall is not considerate of neighbours and our amenity. It is not compliant to RESCODE and a variation is not reasonable to be granted. If the Applicant, or designer of the build, was concerned with neighbourhood character and the existing neighbours, the design would be less bulky and located more to the centre of the block.

The current design appears to also wish to vary Clause 55.04-1 Side and Rear Setbacks Objective and Clause 55.04-5 Overshadowing Open Space Objective.

Overshadowing is a significant issue with light critical for well-being and the enjoyment of open space, along with the ability to maintain a vibrant garden and lawn. The overshadowing impact is grossly underestimated by the plans provided.

I have conducted simple shadowing tests (around the 1st and 2nd of June 2023) with a 3.2m pseudo boundary wall construct and sticks to show the proposed brick wall. The tests showed virtually all the SPOS (at the rear of the property) is in shade at 3pm and there is much less than 40m<sup>2</sup> of SPOS at 2pm. Results of the shadow tests conducted are provided in Table 1, with images in Figures 4 to 7.

Table 1. Results of overshadowing trial conducted along the boundary of 41 Spring Road and 6 Hazel Avenue, with 3.2m pseudo wall construct in place (undertaken between the 1<sup>st</sup> and 2<sup>nd</sup> June 2023).

Time	Shadow length cast (m)	Shadowing of SPOS, % (approximate)	SPOS available (m <sup>2</sup> )	Comment
1pm	2.2	33	47	
2pm	4.2	70	21	Significantly less than 40m <sup>2</sup>
3pm	>5.8	>90	7	Shadow up on rear of the house wall

The overshadowing requirement is clearly not met in June. In the plans provided by the Applicant the overshadowing is shown to be marginal, at the required 22<sup>nd</sup> of September (Spring equinox). Very brief detail is provided in terms of calculation of the overshadowing on drawings provided by the applicant. Similarly, the calculated value of 41.631m<sup>2</sup> in Clause 6.8 of the Council Planners response shows no dimensions or workings. My actual measurement of the SPOS and calculations of the shadowing (assuming the 22<sup>nd</sup> of September) do not agree with this value and I believe it overstates the available SPOS, with the value less than 40m<sup>2</sup> at 2pm. I believe the applicant and Council Planning Department should provide their workings, so they can be checked with actual dimensions and verified.

Disappointingly, the applicant has not made any attempt to consult with neighbours who have expressed reasonable objections. This is most disappointing and very different to other developers close to this location who have consulted widely and made changes to respect existing neighbours. The absence of consultation is also out of character for our neighbourhood, with existing residents that have re-built, or extended, consulting and cooperating. Importantly, the consideration shown has provided for ongoing and harmonious relationships and appropriate development.

The plans as proposed will have a significant negative and “forever” effect on our family and the amenity of the neighbourhood. They should not be approved if they do not meet Rescode and respect the health and well-being of the existing neighbourhood.

Regards  
Trevor Layzell



Fig 1. Westerly view from outdoor patio area



Fig 2. Northerly view of backyard, with outdoor patio area.



Fig 3. View from outdoor patio area with proposed brick wall hatched.



Fig 4. 3.2m pseudo wall finishing at most southerly position of proposed wall. Stick shows height along wall section, for shadow determination



Fig 5. Southerly view of backyard (SPOS), with pseudo wall installed for shadow testing. 2pm shadow measurement, with yellow tape 4.2m from fence.





Fig 6. View of rear of house at 3pm (2/6/23) showing shadow cast by yellow flexible tape. Shadow is on rear house wall, virtually all SPOS in shade.



Fig 7. View of proposed brick wall on fence, indicated by sticks and rope at @3.2m height.

**3. Mr Peter Vien**

**(O)**

I'm writing to raise my concern that a wall greater than 3 metres is bordering onto 41 Spring Road (right up against the fence line) which is overshadowing their backyard. I recommend that the wall should be lower than 3 metres or set back into 6 Hazel Avenue so that it does not block out the sun for 41 Spring Road, and also does not block out the sun from my house at 43 Spring Road, either. Thank you.

<b>Item 4.8</b>		<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>1-1A Centre Road, Brighton</b>		
<b>1.</b>	<b>Mr Paul Little (for Planning &amp; Property Partners Pty Ltd)</b>	<b>(A)</b>

Dear Councillors,

**PLANNING AND DELEGATED COMMITTEE MEETING 8 AUGUST 2023  
AGENDA NO. 4.8 – 1-1A CENTRE ROAD, BRIGHTON (PLANNING PERMIT 5/2017/686/1)  
WRITTEN STATEMENT IN SUPPORT OF THE RECOMMENDATION TO EXTEND THE  
PLANNING PERMIT**

We act for *Lechte Corporation Pty Ltd* the land owner of 1-1A Centre Road, Brighton (“the Site”) and write in relation to Agenda Item 4.8 for the upcoming Planning and Delegated Committee Meeting to be held on 8 August 2023.

We have sought to extend the Planning Permit 5/2017/686/1 (“the Planning Permit”) for commencement of buildings and works on the land and associated completion dates pursuant to section 69 of the *Planning and Environment Act 1987* (Vic).

Council’s Statutory Planning Department has favourably assessed the request and recommended that the Planning Permit be extended for a period of two years. In support of this recommendation, we wish to highlight the following matters for your consideration:

- Our client purchased the site following the grant of the original approval, with the land having transacted in December 2022;
- The permit has very recently been amended as of March this year, with support of Council officers through a Section 87a amendment process;
- The approved amendments to the plans has allowed for an updated and improved architectural aesthetic, which retains 14 double storey in a similar layout and access configuration as was originally approved;
- The necessary plans have been prepared and submitted to Council for endorsement under Condition 1 of the Planning Permit, which are currently being reviewed and processed; and
- The grant of a two-year extension will enable the development to progress through the next stages of documentation, building approval and commencement of works on-site.

We trust that the above provides further context for your review and request that Council move a motion to approve the extension of time request as recommended.

Please contact the undersigned or Julian McCluskey on 8626 9002 (email: [jmcccluskey@pppartners.com.au](mailto:jmcccluskey@pppartners.com.au)) should Council have any queries regarding the correspondence.  
Yours faithfully,

**Paul Little**  
**Planning & Property Partners Pty Ltd**  
Encl.