

Requests to be Heard

13 February 2024

Planning and Amenity
Delegated Committee Meeting

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Item 4.1		Objector (O) Supporter (S) Applicant (A)
17 Wattle Avenue, Beaumaris		
Requests to Speak		
1.	Mr Damon Gosen	(A)

Item 4.2		Objector (O) Supporter (S) Applicant (A)
8 and 10 Ocean Street, Hampton		
Written Statements		(Page 5)
1.	Ms Melany Antcliffe	(O)
2.	Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association)	(O)
3.	Ms Sheila O'Shea (also representing Mr Francis Leipper and Mr Robert Blair)	(O)
4	Mr Kerry & Mrs Mary O'Brien	(O)
Requests to Speak		
1.	Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association)	(O)
2.	Ms Sheila O'Shea (also representing Mr Francis Leipper and Mr Robert Blair)	(O)
3.	Mr Kerry O'Brien (also representing Mrs Mary O'Brien)	(O)
4.	Ms Helen Graham	(O)
5.	Mr John Hanslow (On behalf of Ocean St Owners Corporation / OSRAG)	(O)

Item 4.3		Objector (O) Supporter (S) Applicant (A)
363 Bay Street, Brighton		
Written Statements		(Page 14)
1.	Ms Georgina Patsiouras	(O)
2.	Mr Charles Gibson	(S)
Requests to Speak		
1.	Mr Stephen Coleiro (G2 Urban Planning)	(A)

Item 4.5		Objector (O) Supporter (S) Applicant (A)
7 Glyndon Avenue, Brighton		
Requests to Speak		
1.	Ms Annabel Paul (AP Planning)	(O)
2.	Mr Bruce Keen (Keen Planning)	(A)

Item 4.6		Objector (O) Supporter (S) Applicant (A)
24 Beach Road, Beaumaris		
Written Statements		(Page 16)
1.	Mr Frank Perry (Perry Town Planning)	(O)
Requests to Speak		
1.	Mr Frank Perry (Perry Town Planning)	(O)
2.	Mrs Stella Dimitrakas	(O)
3.	Mr Matt Lowe (Lowe Design and Build)	(A)

Item 4.8		Objector (O) Supporter (S) Applicant (A)
68–76 Union Street & 26 Milliara Grove, Brighton East		
Requests to Speak		
1.	Ms Claudie Lombard (Tract)	(A)

WRITTEN STATEMENTS

Item 4.2 8 and 10 Ocean Street, Hampton	Objector (O) Supporter (S) Applicant (A)
Written Statements	
1. Ms Melany Antcliffe	(O)
<p>Dear Councillors,</p> <p>On behalf of the Ocean St Residents Action Group (OSRAG), I am writing to confirm our support for this request to defer Item 4.2 (8-10 Ocean St, Hampton) from the Tuesday 13 February Council Planning and Amenity Meeting.</p> <p>There are a number of issues outstanding that need to be addressed. We require adequate time for discussion and consultations to take place between the resident's impacted by this development proposal and the developer. Given the first amended plans were only provided just prior to Christmas on 21st December 2023, then we have had the Christmas and New Year holiday period and a further update to the plans was only provided last week on 30th January 2024. There just hasn't been sufficient time to this point.</p> <p>To date the communication between myself (on behalf of the OSRAG) and the developer has been strong, and we look forward to starting detailed discussions from next week to hopefully reach a mutually agreeable position on this proposal as soon as possible.</p> <p>As a matter of process I have also submitted a request to be heard to the above. I understand the developer will not be attending the meeting on Tuesday 13th and as a result neither will myself nor any of the resident's/objectors.</p> <p>Thank you and kind regards, Melany</p>	

2.	Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association)	(O)
<p>Committee Chair, Mayor, Councillors</p> <p>In the event that councillors are minded to grant a permit to this application, HNA urges insertion of a condition of permit, to bring the application back into line with mandatory height requirements</p> <p>Should councillors not wish to insert such a condition, HNA urges refusal of a permit.</p> <p>The proposal in front of councillors is for a three storey apartment block plus rooftop deck in a zone where a maximum height control applies. In such locations DDO12 is clear in stating that roof decks and their associated structures must not exceed Maximum Building Heights.</p> <p>However, in this case, a number of roof deck structural elements, including walling and the access stairwell breach mandatory height requirements. Exceedence is minor, being in the region of 300-500mm, and so is something that will be easy for the applicant to correct.</p> <p>However, rather than direct the applicant to comply with maximum height requirements, the officer's report recommends exercise of discretion. Arguments in support of this are presented on pages 32 to 33 of Council's agenda papers.</p> <p>In HNA's opinion the case presented is unconvincing, drawing on two VCAT decisions which are respectively 8 and 11 years old, extracts of which are presented out of context and in an incoherent manner.</p> <p>For Council to decide to exercise discretion with respect to mandatory height requirements represents a major policy shift, with significant ramifications for all future apartment block applications across Bayside.</p> <p>Such a policy shift is a matter which councillors would be expected to consider only upon receipt of a detailed study after a consultation process.</p>		

It is certainly not something that councillors should be deciding upon as a side consequence of a planning application.

HNA therefore urges councillors to reject this ill-considered implicit rewriting of Bayside's Planning Scheme, either by inserting a condition of permit requiring compliance with mandatory height requirements or by refusal of permit.

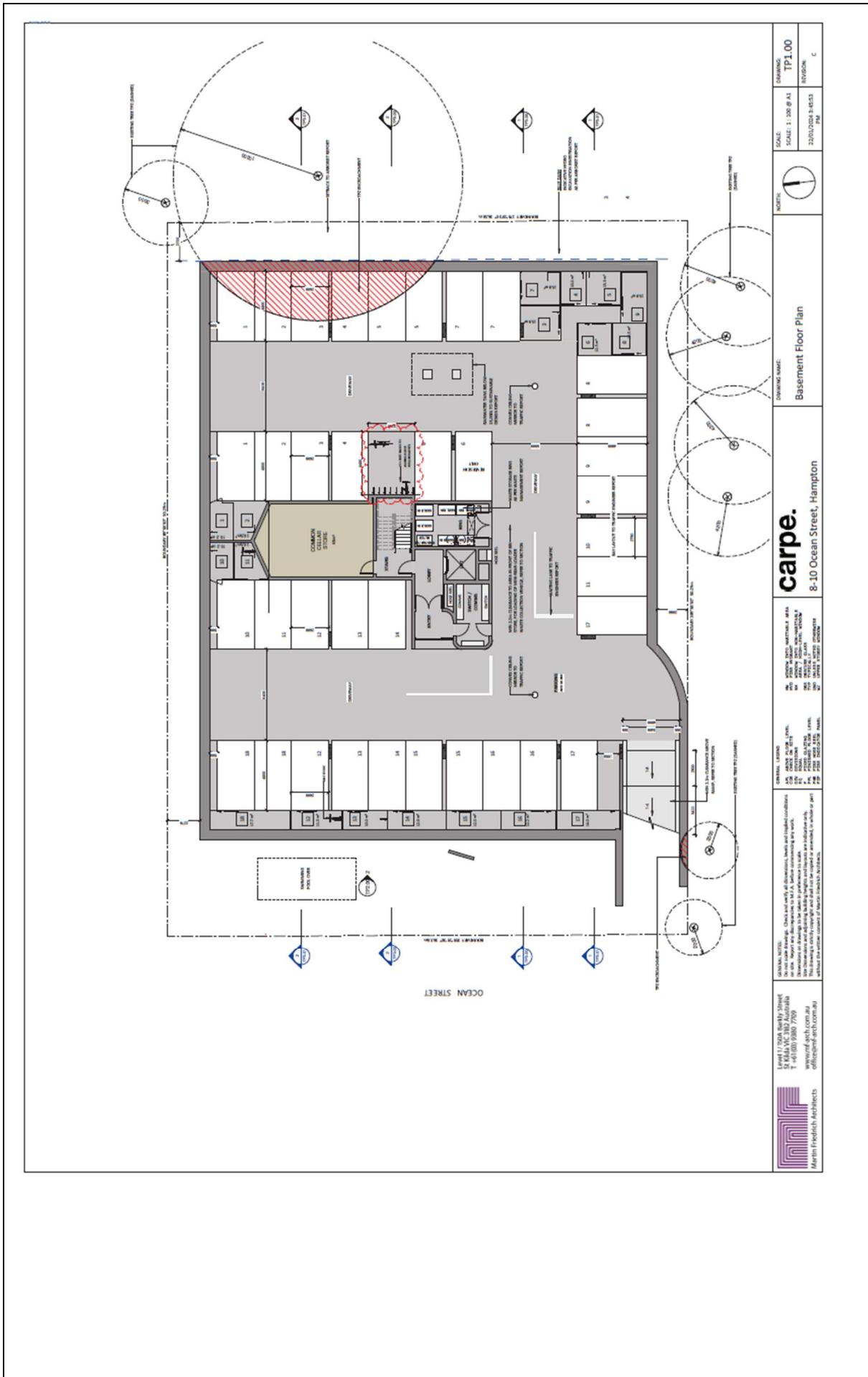
Thank you.

**8 &10 Ocean Street, Hampton, 3188
Planning Application: 2023/386/1**

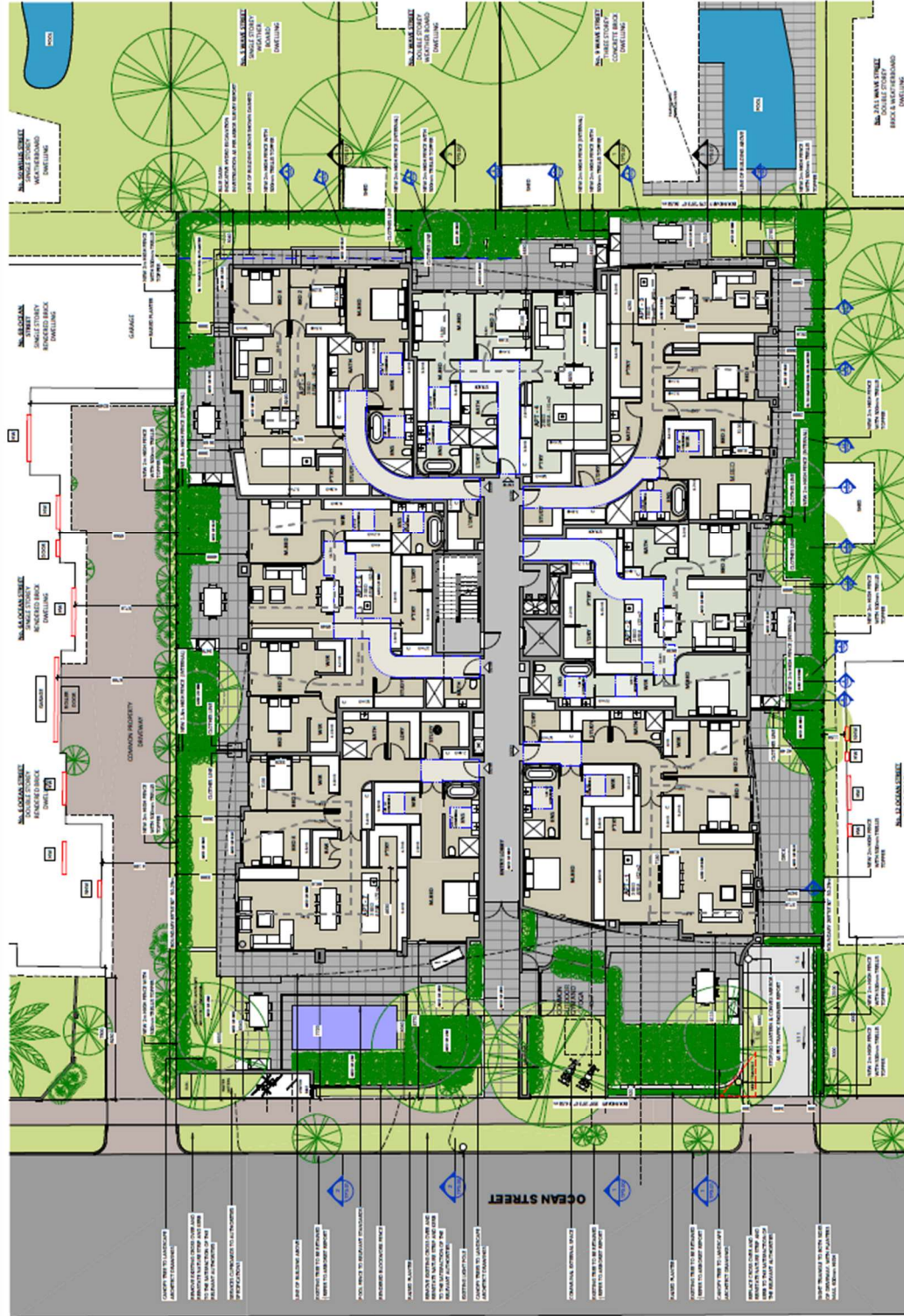
Proposed Additional Condition of Permit

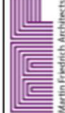
- 1. k)** All rooftop deck structural elements (walling, access stairways etc) to be constructed to comply with Maximum Building Height requirements, as specified in Schedule 12 to the Design and Development Overlay for Bayside.

3.	Ms Sheila O’Shea (also representing Mr Francis Leipper and Mr Robert Blair)	(O)
<p>To the Planning and Amenity Committee,</p> <p>We understand that the developer’s request for a deferral of the hearing on the 13th Feb was submitted late and as objectors to the proposed development at 8 to 10 Ocean Street, we ask that the developer’s request for a deferral of the hearing be granted to enable further consultation.</p> <p>Communications have been on-going between the developer, the Council Statutory Planner Peter Hampton and a residents’ group, my husband and I included, and the developer has been willing to listen to our concerns and is willing to make some changes toward producing a more favourable outcome. We request more time to address key points.</p> <p>This is demonstrated when only one week ago, the developer provided a newer draft of a plan to our residents group showing some changes to the building and local residents/objectors group were asked for feed-back. The developer also expressed the view he was willing to consider further communications about other key points and issues. (The new plan is a PDF and won’t upload into the portal.) Why would the developer show such an openness to communicate about key issues and provide a newer plan, then proceed with the one previously provided to Council?</p> <p>I understand that we are not at the hearing to discuss the newer draft of a plan, however, it makes some big changes, replacing the roof decks with a green roof and solar panels and relocating communal areas within the site. The draft is incomplete and light on detail but the impact of any changes would rely on the expertise of Bayside Statutory Planners to be involved in evaluating and assessing the impact of any changes within the overall plans. Again, referring the hearing to a future date would enable full involvement by both residents and Statutory Planners at Council.</p> <p>If the plans listed in the 13th February 2024 hearing are going to be discussed our objections are as follows. We have lived in Willis Street for 46 years, near the corner of Ocean Street and Willis Street. Our objections are based on the combination of different design features in the proposed plans. If the proposed building is approved as shown it would set a precedent for future developments in Hampton, creating a heat sink, and it could be the thin edge of the wedge for creeping changes within the building. Traffic congestion and noise from the proposed roof decks also concern us. We ask that all statutory requirements are enforced and that neighbouring properties have their concerns considered. The built structure on the roof top exceeds the mandatory 11m to 12m Height limit. Please limit it to 12m, not near enough.</p> <p>Minimum standards have been met with Permeability and Garden Area, however, more than 40% of the garden is tiles and concrete. The mass and visual bulk and limited planting would create a heat sink in the suburbs.</p> <p>The site coverage is above the 60% requirement. Adhering to this requirement would allow more light and visual openness between the properties in views from the street.</p> <p>The very large basement has the capacity for 36 cars, more than is required, but this would have an impact by increasing traffic congestion in Ocean Street and surrounding streets. The overall effect on traffic needs to be considered in relation to the local area with other developments already approved in Ocean Street and within the precinct. There is the potential for even more developments and more cars within the immediate local area.</p> <p>The design of the communal roof decks and services have the potential of creating issues with lights, noise carrying through open air and general nuisance value. There are no design features to block or act as a barrier against noise included in the overall proposed plans. Overlooking into the private space of neighbouring properties doesn’t directly impact us but is also an issue for neighbouring properties.</p>		



 Martin Friedrich Architects www.mfa-arch.com.au office@mfa-arch.com.au T +61 (0) 8 9880 7700	<p>CLIENT: carpe. 8-10 Ocean Street, Hampton</p> <p>PROJECT NAME: Basement Floor Plan</p>	 N	SCALE: 1:100 @ A1 1:200 @ A2 1:500 @ A3 1:1000 @ A4	DRAWING: TP1.00
			REVISION: C	





 Level 1 / 2024 Ashley Street
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GENERAL NOTES: Check the work of all contractors, their subcontractors and suppliers for compliance with all applicable laws, codes, standards and specifications. All dimensions are to be taken to the center of the work unless otherwise specified. This drawing is a preliminary drawing and should not be used for construction, or as a basis for any other work without the written consent of the architect.

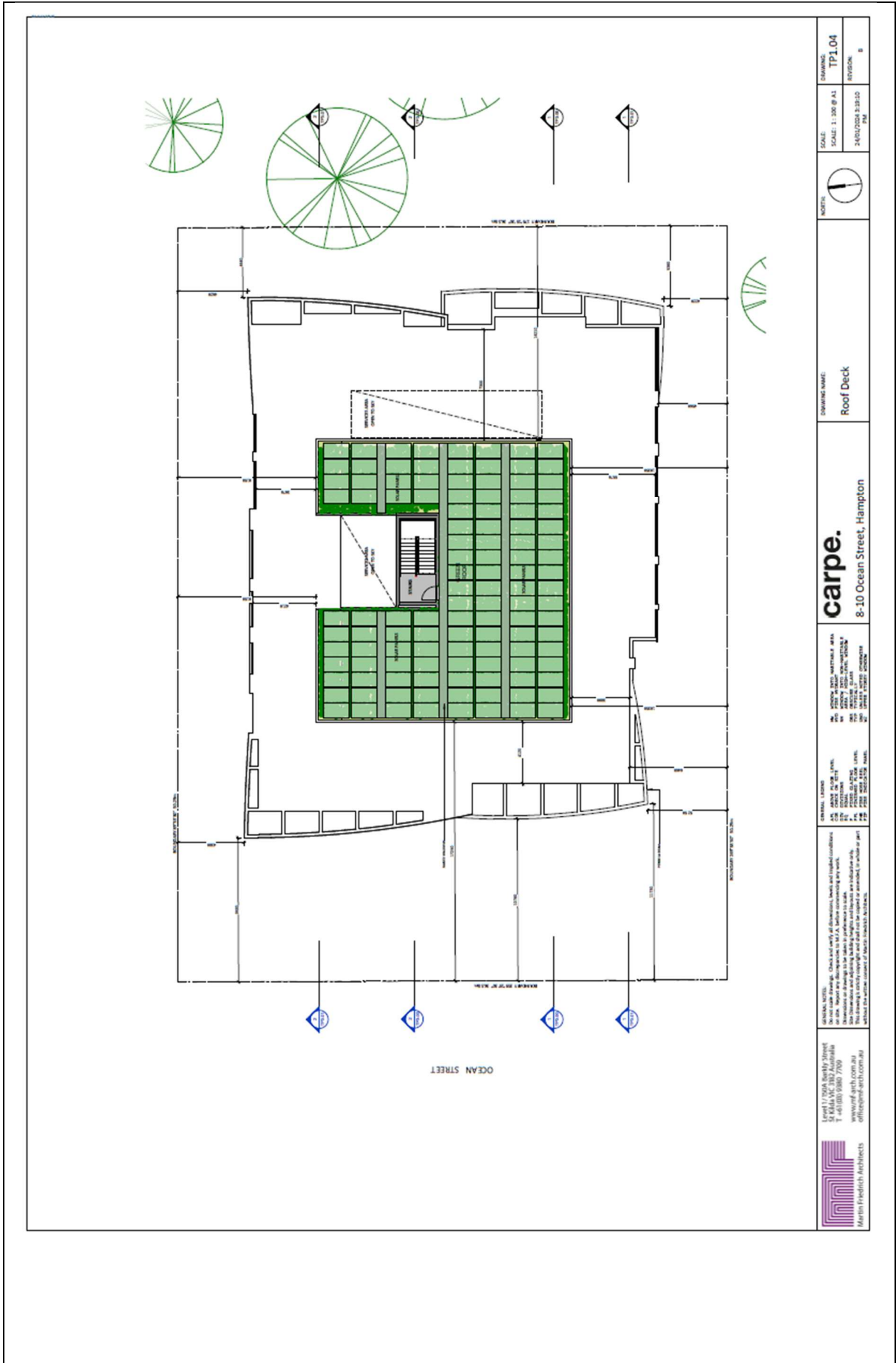
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carpe.
 8-10 Ocean Street, Hampton

DRAWING NAME:
 Ground Floor Plan

NORTH


DRAWING:
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 Martin Freestone Architects Level 11 120A South Street St Kilda VIC 3182 Australia www.mfa.com.au 44100 080 700 diff@mf.com.au	carpe. 8-10 Ocean Street, Hampton	DRAWING NAME: Roof Deck	NOTES: 	SCALE: SCALE: 1:500 @ A1 24/02/2013 3:10 PM	DRAWING: TP1.04
				GENERAL NOTES: Do not use drawings. Check and verify all dimensions, levels and loaded conditions for all work. Do not construct or install any work unless the drawings are approved by the relevant authorities. The drawings are subject to change without notice and shall be taken in conjunction with the contract documents.	GENERAL COMMENTS: AS ABOVE. DO NOT SCALE. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

To the Planning and Amenity Committee,

I'm Kerry O'Brien and I'm representing Mary O'Brien at this hearing.

I reside at number one Ocean Street, Hampton and have lived in Ocean Street for 21 years. We are objectors to the proposed development at number 8 to 10 Ocean Street, Hampton.

It is our understanding that the developer has lodged a late deferral application in regard to the Planning and Amenity hearing on the 13th February 2024 in regard to 8 to 10 Ocean Street, Hampton.

We therefore, request a deferral of this hearing to allow for greater consultation with the developer, Council and other interested parties.

I have attached a copy of our objections as submitted To Bayside Council on the 3rd November 2023.

Kind Regards,

Kerry and Mary O'Brien

1st November 2023

Permit Application No 5/2023/386/1

Site Address - No 8-10 Ocean Street, Hampton

We forward our objections in regards to the above development as follows:

- 1. Height - Standard B7.** It exceeds the maximum building height set in the planning scheme for this residential zone.
- 2. Site coverage – visual bulk – Standard B8.** It exceeds the maximum site coverage of greater than 60%.
- 3. Side and rear setbacks – Standard B17.** It does not adhere to the planning scheme's stated side and rear setback distances from neighbouring property boundaries.
- 4. Amenity impact – overshadowing an open space – Standard B21.** It will unacceptably reduce sunlight/exposure to private open spaces at the rear, east, north and south boundaries of the site.
- 5. Amenity impact – overlooking open space – Standard B22.** Multiple balconies on the south, east, and north facing sides will overlook existing dwellings. The proposed 4th level rooftop terrace area, one of which is common to all 18 apartment residents, will have 360-degree views overlooking into all existing neighbouring properties.

6. **Noise standards – Standard B24.** Noise levels will be created to unacceptable levels due to the number of apartments, balconies and open rooftops proposed.
7. **Impact on the character of the neighbourhood.** It will detrimentally impact on the existing neighbourhood character which comprises predominantly early 20th century houses or small-scale developments/townhouses.
8. **On site car parking.** Minimum 40 spaces preferred.
9. **Street parking.** Controls currently in place allow for unrestricted parking on the eastern side, which is utilised by Hampton Street business precinct business owners and their employees.
10. **Traffic flow and congestion.** Ocean Street is a very short street and already has significant traffic volume created by motorists avoiding Hampton Street. Enter Ocean Street from Willis and exit only via Thomas Street only.
11. **All equipment placed on roof (3rd level)** should be placed in underground car park.
12. **Power/NBN supplies.** All services to be placed underground to No 8-10 Ocean Street with electrical transformers to be located within these premises at No 8-10 Ocean Street, not on existing power poles in Ocean Street.
13. **Quality dust suppression management system (EPA approved)** to be made available during construction period.
14. **Construction Management Traffic Plan.** With the proposed increase of “heavy” traffic in Ocean Street during construction, it is suggested that all trucks etc enter Ocean Street from Willis Street (North) and depart site via Thomas Street (South) which is currently working successfully from an existing development at No 18 Ocean Street. **Further, transport should not allow for semi-trailers and dog trailer transport, only tray-trucks and normal tipper transport.**
15. **Waste.** All site waste (rubbish bins and/or skips) are to be located within the actual construction sites at all times and not on roadways and/or streets adjacent to construction projects. Must also be fitted with appropriate dust covers at all times and subject to EPA regulations.
16. **Operating hours.** To be strictly adhered to: 7.00am to 3.30pm, Monday to Friday.
17. **Flora and Fauna.** To be protected at all times.
18. **Noise/lights.** No barrier to noise and nuisance of lights etc.
19. **Lift extension.** Height of the lift extension disputed as it exceeds 12m.

We await your response in due course.

Yours faithfully,

Kerry and Mary O’Brien

Item 4.3 363 Bay Street, Brighton		Objector (O) Supporter (S) Applicant (A)
Written Statements		
1.	Ms Georgina Patsiouras	(O)
<p>Unfortunately, I am unable to attend this Tuesday's meeting, however, I would like to comment on the recent amendments made to the planning permit at 363 Bay Street, Brighton, in response to objections by myself and other residents made last year.</p> <p>The proposed amendments do not address the concerns myself and my neighbours have regarding the increased traffic and therefore increased risks this poses to us and pedestrians who share the laneway.</p> <p>The provision of a turning area in the car park does not address the traffic issues in the rear laneway itself, which will be the only means to access the carpark. Council's traffic engineers acknowledge there will be an increase in traffic in the rear laneway, and this increase is effectively a doubling of the current traffic. The concern which hasn't been addressed so far is the direction of traffic in the laneway itself, which with the proposal, will have an equal number of cars moving in both directions (currently 90 percent of cars are moving in the same direction). The laneway can only accommodate one car at a time, and it is also a pedestrian access to Bay street. This will cause congestion in the laneway.</p> <p>There have been no provisions or thoughts into how to manage or prevent cars reversing in the laneway. This will occur because it is a single car laneway and cars will be reversing to get out of the way for oncoming vehicles trying to exit or enter the carpark. This is highly dangerous to residents trying to exit or enter their properties, and to pedestrians. This has not been addressed and really needs to be made a priority if public safety is to be maintained.</p> <p>I am concerned that this has not even been a consideration seeing how hazardous the changed traffic conditions will be for everyone using the laneway.</p> <p>These concerns are shared by my neighbour at 381-383 Bay street, Rosalind Price, who is also unable to attend the meeting, but would like to have her concerns noted.</p> <p>Kind regards,</p> <p>Georgina Patsiouras</p>		

APPLICATION NO. 5/2023/100/1

ADDRESS 363 Bay Street BRIGHTON

PROPOSAL Alts&Adds to Bld in HO (Other than Dwell) Reduction/Waiver of Car Park Requirement

1. I've walked through the laneway that runs from Warleigh Grove (on the east of the Chemist Warehouse car park) towards the car park hundreds of times over the past 10 years to reach the pedestrian walkway to the east of the site, alongside 367 Bay Street, and then onto the supermarket or cafes or shops in the street.

The majority of the vehicles that I see emerge from the top of the driveway (that runs from Bay Street on the west side of the Chemist Warehouse building) into the Chemist Warehouse car park **drive straight through. The driveway is a thoroughfare.**

It poses a threat to pedestrians walking along Bay Street and pedestrians walking along the Warleigh Grove laneway to reach the pedestrian walkway to the east of the site (as cars using it as a thoroughfare are typically driving faster than those seeking a parking space). **It will be safer for everyone if the driveway on the west side of Chemist Warehouse was closed.** It's likely the people most inconvenienced by the closure of this private driveway would be those wanting to use it as a thoroughfare or as shortcut to garages in the laneway.

2. There is **a statement in the last paragraph on page 108 of the meeting Agenda that is simply wrong** in my opinion. The council planner has written "*Despite this, through the removal of vehicle access from Bay Street, the convenience of pedestrian access from the rear car park has been lost.*"

The Pedestrian Walkway (that adjoins 367 Bay Street) to the east of the Chemist Warehouse site provides very safe and convenient access for pedestrians to reach Bay Street from the car park. I would argue it's safer than walking down the existing driveway in the face of oncoming vehicles. A diagram clearly indicating the walkway was included in the original advertised plans:



Figure 3: Aerial View of Site (Source: NearMap, February 2023)

3. I support the application. I have no financial or other interest in the business or the site (other than being an occasional customer). It would be better for pedestrians if the driveway to the west of the site was closed even if the Council decided not to support the alterations to the building.

- Charles Gibson

<p>Item 4.6</p> <p>24 Beach Road, Beaumaris</p>	<p>Objector (O) Supporter (S) Applicant (A)</p>
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<p>Written Statements</p>	
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<p>1.</p>	<p>Mr Frank Perry (Perry Town Planning)</p>	<p>(O)</p>
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Re: Application 2022/654/1 – 24 Beach Road Beaumaris

Dear Councillors, I act for the owners of the property at 23 Beach Road Beaumaris which abuts the application site at 24 Beach Road. Our clients recognise the potential for redevelopment of the site but there are serious concerns relating to the intensity of the proposed development and the level of non-compliance with the design standards applicable under the Bayside Planning Scheme.

Side Setbacks

There is a series of non-compliances with setbacks from side and rear boundaries as indicated by the documentation provided by the permit applicant.

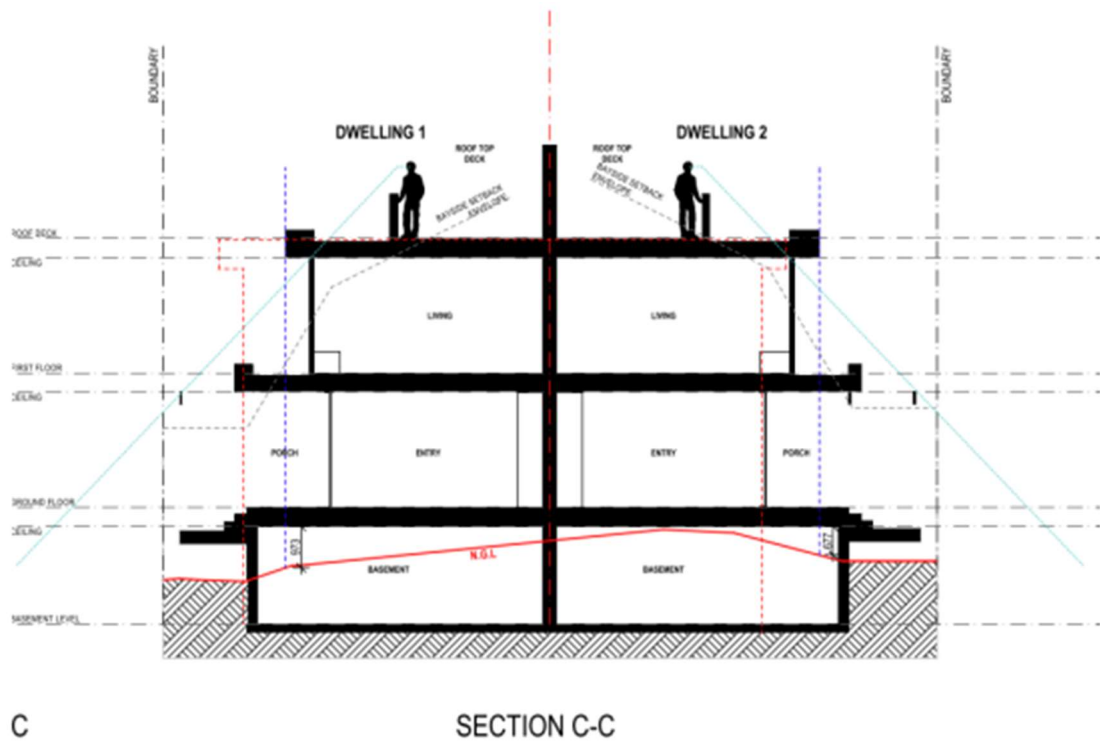


Figure 1 significant non-compliance with the Planning Scheme Standard for side setbacks

	Ground floor		First Floor	
	Requirement	Proposed	Requirement	Proposed
North east (side)	0m, 2m	2.0m	5.7m, 3.7m	<u>3.3m</u> , <u>4.0m</u> , <u>3.3m</u> , <u>3.1m</u>
South west (side)	0m, 2m	2.0m, 0.0m	6.9m, 6.3m, 3.9m	<u>4.0m</u> , <u>3.4m</u> , <u>4.0m</u> , <u>3.2m</u> , <u>2.4m</u>
<u>North west (rear)</u>	0m, <u>3m</u>	<u>2.8m</u> , 4.6m, 6.2m, 7.9m	4.8m, 4.3m	<u>3.6m</u> , <u>4.0m</u> , <u>3.8m</u> , 5.9m

Figure 2 Summary of non-compliances with side and rear setbacks

The non-conformity with the provisions of the planning scheme with regard to setbacks is significant and clearly indicates that there is overdevelopment of the site.

Front Setback

There is also non-compliance with the front setback and this issue is of particular concern to our clients because it involves a major intrusion into the outlook from their main living area as indicated in the following images.

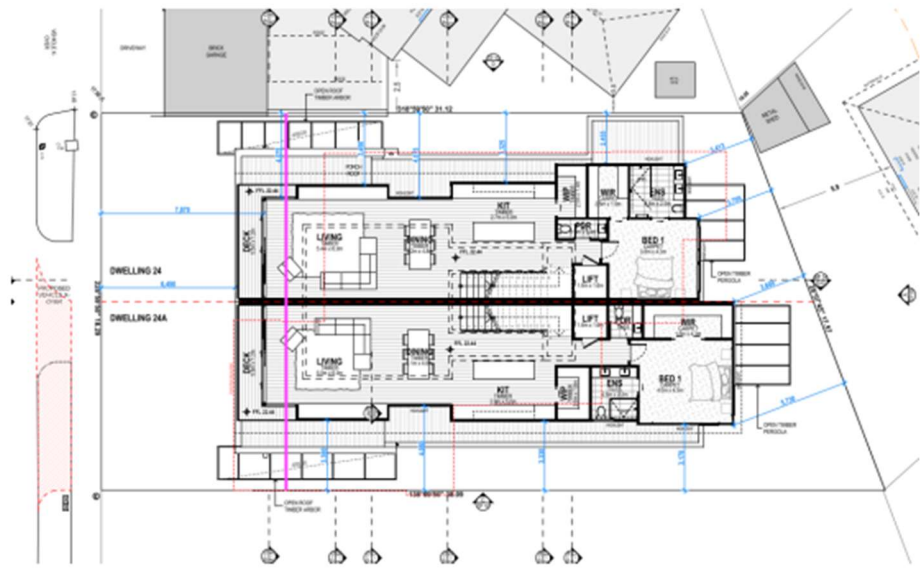


Figure 3 the purple line indicates the required setback under the Standard



Figure 4 Outlook from the main living area of No 23 Beach Road that will be significantly affected by the reduced setback on 24 Beach Road

Site Coverage

In addition, the applicant is not in compliance with the site coverage standard and there is some doubt about compliance with the mandatory garden area requirement because it relies on non-coverage of the patios at the rear of the proposed dwellings.

Required	Proposed	Variation
50%	<u>52.61%</u>	2.61%

Figure 5 Non-compliance with the site coverage standard

Summary

The issues on non-compliance indicate that the proposal constitutes an overdevelopment of the site. It is therefore submitted that the proposal should be revised to ensure that there is full compliance with the objectives and standards that to this stage have been consistently applied within the City of Bayside.

Perry Town Planning

Frank Perry
Director

9 February 2024