WRITTEN STATEMENTS

11 August 2020
Planning and Amenity Delegated Committee
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2. Mr Terence Clarke (O)
3. Mr Hayden Fisher (O)
4. Mr Richard & Mrs Megan Oakley (O)
5. Ms Caitlin Eves (O)
6. Mrs Jenny Thomas (O)
7. Mrs Nan Devas (O)
8. Mr Alex Harmati (O)
9. Mr Steve Martin (O)
10. Ms Leonie Gilbert (O)
11. Mrs Sarah Sime (O)
12. Mr Brendan Egan (O)
13. Mr Blane Hansen (O)
14. Mr Chris Moshidis (O)
15. Mr Min Kim (O)
16. Mr Armando Bompane (O)
17. Mr Ryan Lynn (O)
18. Mr James Stuart-Menteth (A)

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2. Mrs Heather Macfarlane (O)
3. Ms Aliza and Mr Howard Komesaroff (O)
4. Mr Anthony & Mrs Marilyn Lopes (O)
5. Dr Bronwyn Ridgway (O)
6. Mr Ross & Mrs Wendy Toy (O)
7. Mr Andrew Iser (O)
8. Ms Alison Joseph (O)
9. Mr Simon Martin (A)

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1. Mr Tony Shepherd (obo Hampton Neighbourhood Association) (O)
2. Dr Brian Anthonisz (O)
3. Mr Tino Karras (O)
4. Dr Michael Daly (O)
5. Ms Monica Kerlin (O)
6. Mr Chris Hardy (O)
7. Mr Heath Blair (O)
8. Mr Brad and Muir (O)
9. Mr Tim Cassidy (O)
10. Mr Richard Smith (O)
11. Ms Christine Weber (O)
12. Mr Peter Boustead (O)
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4. Mrs Cicely Findlay (O)
5. Mr Robert Kay (O)
6. Mr Steve Humphris (O)
7. Dr Michael Daly (O)
8. Mrs Jill Esplan (O)
9. Mr Stephen Tuffley (O)
10. Ms Annabel Austin (O)
11. Ms Li Wang (O)
12. Mr James Kroussoratis (O)
13. Mr Mark Edwards (O)
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15. Mr Graham Cooper (O)
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17. Mr Tony Batt (obo Hampton Neighbourhood Association) (O)
18. Mr Damien Thomas (O)
19. Mrs Raelene-Sue Robertson (O)
20. Mrs Philippa Crisp (O)
21. Mr Graham Robertson (O)
22. Mr Andrew Keys (O)
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2. Mrs Annie Price (O)
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4. Mrs Susan Raverty (O)
5. Mrs Alison Horton (O)
6. Dr Jill Orr-Young (O)
7. Mr Theo Stefanatos (S)
8. Mr Dirke Aberle (S)
9. Mr Paul Griffiths (S)
10. Mr Chris Maher (S)
11. Mr Chris Tassakos (S)
12. Mr Chris Bourandanis (S)
13. Mrs Elaine Plumridge-Moews (S)
14. Mr Chris Parkinson (S)
15. Mrs Cherie Dear (S)
16. Mr Diego Silva (S)
17. Mr Chris Katrantzis (S)
18. Mr Brad Rowswell MP (S)
19. Mr Riccardo Piccione (S)
20. Mr Paul Davys (S)
21. Mrs Sarah Allison (S)
22. Mr David Jordan (S)
23. Miss Danielle Tracey (S)
24. Mr Peter Allison (S)
25. Mrs Pauline Wilkman (S)
26. Mr Peter Corfield (S)
27. Mr Gert Gratz (S)
28. Mr Carlo Mason and Ms Danielle Hammond (S)
29. Mr Joe Mottola (S)
30. Mrs Sandra Pointon (S)
31. Ms Eleanor Grasso (A)
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1. Mrs Christine & Mr George Ward (O)

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4. Mr John Wilczek (O)
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6. Mrs Jenna Nichols (O)
7. Mr Murray Collins (S)
8. Mr Frederik Keppens (S)
9. Mr Andrew Mullins (S)
10. Mr Andrew Frawley (S)
11. Mr David Mitchell (S)
12. Mr David Gibson (S)
13. Mr Jivaka Jayasundera (S)
14. Mr Stephen Smith (S)
15. Mr Nicolas Kemp (S)
16. Mr Jim Galanopoulos (S)
17. Mr Scott Bull (S)
18. Miss Alissa Amey (S)
19. Ms Amanda Stark (S)
20. Mr Matthew Balmer (S)
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1. Mr Graham & Mrs Adriana Horne (O)
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- written statements not permitted to this item (see report)

Item 4.14  Statutory Planning - VCAT Report (July 2020)

- written statements not permitted to this item (see report)

Definitions

A= Applicant
S= Supporter
O= Objector
Item 4.1

2-6 Fern Street, Black Rock
1. Mrs Katie and Mr Jarrod Dickson (O)

My husband Jarrod Dickson & I would like to object to the proposed development on Fern St for many reasons:- no through traffic to Tulip st, parking already congested in our court & on Fern St, difficulties exiting off Fern St onto Bluff, turning capabilities for vehicles once they enter Fern St, safety of all residents with the huge increase in traffic and no consideration for the already growing number of cars in the 3 courts off Fern St. Surely there are far better locations for this development which is not appropriate for our quiet and limited area.
2. Mr Terence Clarke (O)

REQUEST TO BE HEARD AT A COUNCIL MEETING OF THE PLANNING AND AMENITY DELEGATED COMMITTEE

AGENDA ITEM: 4.1

WRITTEN STATEMENT

RE: APPLICATION REFERENCE NUMBER: 5/2020/176/1

2 FERN STREET, BLACK ROCK; 4 FERN STREET, BLACK ROCK AND 6 FERN STREET, BLACK ROCK

In making this written statement I would like to take this opportunity to commence by commending Bayside Council for their initiative in improving the children welfare infrastructure for the benefit of the Bayside community. The construction of a new Children’s Centre will provide a much needed asset to Bayside.

As a resident residing in Stevens Parade which runs off Fern Street I wish to voice my concern about the proposed location of the new centre. Fern Street, Black Rock is a narrow street, approximately seven metres wide, running in an East/West direction with a cul-de-sac at the East end and a T-intersection with Bluff Road at the West end. Running off the North side of Fern Street are three cul-de-sac streets, Garnet Leary Avenue, Sturdee Road and Stevens Parade, each of which rely on exiting from Fern Street into Bluff Road. These three streets comprise a total of 78 homes and approximately 200 motor vehicles. The proposed new Fern Street Children’s Centre will significantly increase the number of vehicles entering and exiting Fern Street each day. Due to the narrow width of Fern Street, after the completion of the Children’s Centre, there will be many occasions when there will be obstructed traffic flow which will result in a safety issue. To compound the safety issue Bayside Council has proposed to reduce car parking at the new Centre from 19 spaces to 14 which will further reduce traffic flow as the flow is impeded if vehicles are parked in Fern Street. There are already a small number of local residents who park on the southern side of Fern Street which impedes traffic flow; a greater number of vehicles parking in Fern Street will seriously impede traffic flow and create additional safety hazards.

Safety issues that can be identified due to an increased traffic flow and on-street parking in Fern Street are as follows:

1. Impediment to traffic flow;
2. Risk of injury or death to children running on to the road from between parked cars;
3. Additional hazards for pedestrians;
4. Potential impediment to emergency services vehicles;
5. Safety hazards for vehicles exiting the three streets, Garnet Leary, Sturdee and Stevens into a more congested Fern Street;
6. Safety hazards for vehicles entering Fern Street from Bluff Road during peak periods when Fern Street may be congested;
7. Safety hazards for vehicles exiting Fern Street into Bluff Road particularly turning right into Bluff Road and more particularly with the significant increase in traffic during peak times; and

8. Safety hazards for vehicles exiting Potter Street into Bluff Road, particularly turning right into Bluff Road or crossing Bluff Road to enter Fern Street and more particularly with the significant increase in traffic during peak times.

Further to the above, in addition to the families attending the new Centre, there will also be occasions when extended family members will be attending for end of term, end of year functions and other special functions. As an example, I have attended the Grange Road Kindergarten in Sandringham on a number of occasions. From my observations the majority of the parents drive to the kindergarten to drop off and pick up their children. Some of these parents have younger children which they take into the kindergarten with them. For many of the parents it is not a two or three minute drop off as they tend to socialise for as much as half an hour. This increases traffic congestion. When there are special functions with extended family members in attendance the numbers of vehicles doubles and can possibly triple. Fern Street and the surrounding precincts are not designed for this amount of traffic. The new Centre will be multi-functional which will only exacerbate the amount of traffic, parking, congestion and most importantly **SAFETY RISKS**.

Council should seriously consider relocating the proposed development to a more suitable sight, or if this is not possible, Council should seriously give some thought to reducing the size of the Centre, reducing the number of functions of the proposed Centre, Increasing the availability of off-street parking and, most importantly, of lessening the safety hazards associated with getting in and out of Fern Street from Bluff Road. If you sit in a car in Fern Street at the intersection with Bluff Road there is a dip in Bluff Road to the North of Fern Street. With cars parked in Bluff Road it is very difficult to see vehicles approaching Fern Street from the North traveling in a Southerly direction. When travelling in a Westerly direction along Fern Street to Bluff Road, if there are cars parked in Fern Street, the vehicles are pushed over the centre of the road which creates a safety hazard if there are vehicles exiting either Sturdee or Garnet Leary.

There are some serious flaws in the current proposal before Council which must be addressed before proceeding with the new Fern Street Children’s Centre.

Thank you for the opportunity to present this written statement.

Terence Clarke RFD

6 Stevens Parade, Black Rock
3. **Mr Hayden Fisher (O)**

The previously raised traffic and parking concerns have not been addressed adequately. There is insufficient road width to accommodate the increased traffic associated with the spaces being made available at the new centre. There is insufficient parking to accommodate the numbers of children and families attending the centre. Fern street needs to be widened, and underground parking needs to added to accommodate the 66 childcare spaces.
4. Mr Richard & Mrs Megan Oakley (O)

Dear Councillors,

We ask you to consider our very serious concerns regarding safety and traffic in relation to the proposed Fern Street Children’s Centre. While we are not opposed to the development per se, we do have a number of what we believe, are warranted concerns.

There are some serious flaws in the current proposal before Council which must be addressed before proceeding with the new Fern Street Children’s Centre. Due to the current Covid-19 lockdown provisions and the inability to meet and discuss face to face, we request that the decision be delayed for 6 months. We believe this request is only fair and reasonable given the major impact this development will have on the surrounding community.

We appreciate Bayside Council’s intention to provide first class facilities to the community. However, the location of the proposed Centre is going to cause some very complex safety & traffic issues to both residents and to parents and children who attend the Centre.

As you are aware, there have been a great many objections from residents in the surrounding streets where safety will be dangerously impacted by the Centre. The streets affected are Garnet Leary Avenue, Sturdee Road, Stevens Parade (these are all cul de sacs which can only be reached via Fern Street) and Potter Street which creates a hazardous splayed intersection with Fern Street at Bluff Road. The residents of Potter Street are also extremely concerned about this already dangerous intersection, due to the projected increased traffic arising from the number of cars attempting to enter and exit Fern Street.

We challenge the assertion made by the Traffic Management Plan (TMP) that a large number of children will be walked to the Centre. The proposed Children’s Centre will service a wider area from broader Bayside. Families these days are busy and often consist of 2 working parents, so very few families will walk, and the vast majority will be driving their children. This was already very evident in the last 20 years of Janet Mundy kindergarten’s operation. Most parents drive their young children (who need to be taken inside and not just dropped off) on their way to school drop-offs and work.

Our concerns regarding safety to all drivers and pedestrians are as follows:

1. The Traffic Management Plan (TMP) has grossly underestimated the amount of current and future traffic, and we submit that Fern Street is not fit for purpose. We challenge the flawed data and assumptions in the TMP which suggests that there will be no unreasonable impact on public safety in Fern Street and the Bluff Road, Potter Street and Fern Street intersection. Fern Street is a narrow 2 lane local road of 7.02meters. It cannot accommodate 3 lanes of traffic as the TMP has stated. Based on Vic Roads guidelines, a local road must be a minimum of 8.4m to enable 2 lanes of passing traffic and 1 lane of parking. As a result, Fern Street is non-trafficable. Fern Street is the only entry and exit point for 78 households with nearly 200 cars at the present time. The number of cars will increase in the near future, due to:
   a. Numerous elderly residents who will be replaced by families with at least 2 cars each.
The large number of children and teenagers who will be driving and owning cars in the next 5-10 years, and parking on the street.

Most families attending the Centre will need to drive their children, rather than walk as the TMP suggests, because in residents’ experience when Janet Mundy kindergarten (JMK) was operating, most parents usually continued on to school drop-off or work.

The number of off-street car spaces provided is based on the fact that JMK didn’t provide any off-street parking. However, JMK was opened in 1963, an era when most families had 1 car and 1 breadwinner, and mothers walked their children to very local facilities.

The TMP’s data was flawed. It was based on the number of vehicle movements on Wednesday 26 June 2019. Please note that this date fell within independent school holidays, so the number of cars travelling along Bluff Road and in and out of Fern Street would have been far fewer than usual and therefore not representative of normal traffic. Consequently, there will be far more traffic than the report has suggested, and hence greater risk to safety.

2. Based on previous experience (and complaints to Council) from when Janet Mundy kindergarten was operating, parents frequently parked illegally and left their cars on the north side of Fern St. They also parked illegally on the south side of Fern St all the way up to Bluff Rd (beside the solid white line). These illegal and unsafe practices blocked traffic flow and forced cars trying to exit Fern St into the centre of the road, which then prevented cars from Bluff Rd being able to enter Fern Street. Issuing traffic fines is not a long-term solution to this problem.

We submit that the proposal to build a Children’s Centre at 2-6 Fern Street is not a suitable site due to the above issues. We request that you consider alternative sites.

We have taken photos and video footage of traffic movements in Fern Street in addition to sketched diagrams which demonstrate this is an unsuitable location to handle the volume of traffic which would ensue from the proposed Centre.

It should be noted that of the 14 on site car spaces one is designated for disabled parking which will mean there are only 13 car spaces available for general use. The Transport Impact Assessment dated 1 April 2020 provides the following information on usage of the proposed centre as follows:
Proposed Development Schedule

<table>
<thead>
<tr>
<th>Use</th>
<th>Area / Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kindergarten / Occasional Care Room</td>
<td>88 children (maximum capacity)</td>
</tr>
<tr>
<td></td>
<td>(33 children in each of the two kinder rooms and up to 22 children within the occasional care room)</td>
</tr>
<tr>
<td>Maternal Health</td>
<td>1 maternal child health nurse , with family clients by appointment and one family awaiting overlap</td>
</tr>
<tr>
<td>Activity Room</td>
<td>30 person attendance</td>
</tr>
</tbody>
</table>

The Transport Impact Assessment dated 1 April 2020 also provides Proposed Operational Details which indicate:
6 kinder staff and up to 2 occasional care staff, a total of 8 and therefore a car space requirement of up to 8 spaces for the majority of the day.
Subtracted from the 13 generally available car spaces, there would be 5 car spaces remaining for up to 33 drop offs for each kinder session. Consequently, there would be 5 car spaces remaining for up to 33 pick-ups from each kinder session. In addition, there will be up to 22 drop offs for occasional care children followed by up to 22 pick-ups. This does not take into account the staff and customers for maternal health nor the activity room with up to 30 people in attendance. As there will not be adequate on-site parking, the overflow will need to park in Fern Street creating traffic mayhem at peak times.

Please find below links to video evidence of traffic congestion in Fern St, Garnet-Leary Ave and the intersection of Fern St/Bluff Rd/Potter St:
https://drive.google.com/file/d/1Wmq6faA4UFoeeOK2UbhE1_Inoq7nrI9W/view?usp=sharing
https://drive.google.com/file/d/1OSEHwjoXE5Yu1VCaAdDBj1TmBglSW1gs/view?usp=sharing
https://drive.google.com/file/d/1LKomwhXq41KSsd-NYmeWLn6Ujo-kDrj/view?usp=sharing
https://drive.google.com/file/d/18T1xRzMKbPVYLzeMuwm2qbiT9tBDuGk/view?usp=sharing

Thank you for considering our serious concerns.

Kind regards,

Richard & Megan Oakley, representing a large group of concerned residents.
5. Ms Caitlin Eves (O)

Dear Councillors,

I would like to add my letter of request to delay the decision on the Fern St development by 3-6 months in order for the concerns to be heard and consideration taken on how to create a development that does not cause the level of concern that the current proposal does.

As a local resident with 3 children I use the bluff rd crossing at Eliza street 4 times a day for morning drop off and return from school and again in afternoon.

I have witnessed many near misses to be both children and the crossing person when people turn out of fern st in a rush and don’t 'see' the crossing in their bid to get to their next location, now rushing as it’s taken them some time to turn out of fern st. They are accelerating as they go through the crossing. I have pulled children back off the road and seen the crossing man leap out of the way, and even had the lollipop broken as a car clipped it. I also hear and see cars turning out of fern st and potter street at high speed to get across the traffic or give up, turn left and career across to Eliza st in a bid to get to beach rd and on their way to their destination.

These issues were raised at the session with council at the first round of consultations and yet while the newer development includes (inadequate) parking it doesn’t address the sheer increase in cars expected to exit fern street on a twice daily basis (for kinder and occasional care drop off and pick up) as well as the use of the other facilities.

Personally I believe the location is not right for this level of traffic and therefore the development that has been created. Rebuilding a kindergarten on the site is an option but adding 3 other purpose rooms is too excessive.

I also fundamentally believe the council assumption on walking children to kinder is severely flawed with majority of young families in Black Rock being double income they drop off on way to work, or do a double kinder/school drop off meaning timing is even more critical.

Please do not approve this development without further assessment and discussion with residents.

I am happy to be contacted to discuss my concerns.

Thank you
6. Mrs Jenny Thomas (O)

APPLICATION NO. 5/2020/176/1
ADDRESS 2 Fern Street BLACK ROCK, 4 Fern Street BLACK ROCK, 6 Fern Street BLACK ROCK
PROPOSAL The use of the land for a child care centre, medical centre and place of assembly, the construction of a single storey building, the removal of vegetation and a reduction in the car parking requirement.

Dear Councillors,

We acknowledge The Bayside Early Years Infrastructure Plan 2018-2028 and the need for children’s services at the southern end of the municipality which we understand is experiencing a shortage of kindergarten places. We appreciate Bayside Council’s intention to provide first class facilities to the community, however, the location of the proposed Centre will create safety and traffic issues to both residents and to parents and children who attend the Centre.

We ask for the planning decision to be delayed for 3 - 6 months as there has been no community consultation meeting between Council officers and objectors about the final plans.

We also ask you to consider our very serious concerns regarding safety and traffic in relation to the proposed Centre. We are opposed to the development on this site and believe there are some serious flaws in the current proposal before Council which must be addressed before proceeding with the Centre.

The streets affected by this Centre are Fern Street, Garnet Leary Avenue, Sturdee Road, Stevens Parade (these are all cul de sacs which can only be reached via Fern Street) and Potter Street, which creates a hazardous splayed intersection with Fern Street at Bluff Road. The present traffic movements from Potter Street into Fern Street create confusion and dangerous situations.

It should be noted that of the 14 on site car spaces, one is designated for disabled parking, which will mean there are only 13 car spaces available for general use.

The TIA provides Proposed Operational Details which indicate:
• 6 kinder staff and up to 2 occasional care staff, a total of 8 staff and therefore a car space requirement of up to 8 spaces for the majority of the day.
• Subtracted from the 13 generally available car spaces, there would be 5 car spaces remaining for up to 33 drop offs for each kinder session.
• Consequently, there would be 5 car spaces remaining for up to 33 pick-ups from each kinder session.
• In addition, there will be up to 22 drop offs for occasional care children followed by up to 22 pick-ups.
• This does not take into account the staff and customers for maternal health nor the activity room with up to 30 people in attendance.

This is clearly indicating that there will not be adequate on-site parking and the overflow will need to park in Fern Street, or other streets close by, creating traffic and safety mayhem at peak times.

Based on previous experience (and complaints to Council) from when Janet Mundy kindergarten was operating, parents frequently parked illegally and left their cars on the north side of Fern St. They also parked illegally on the south side of Fern St all the way up to Bluff Rd. With a larger capacity than Janet Mundy Kindergarten, the parking and traffic situation caused by the proposed Centre can only be worse.

Fern Street is narrow and not fit for the proposed purpose as it is the sole access point for the Centre. We refer to page 10 of the Traffic Impact Assessment (TIA) of 1 April 2020 ‘With vehicles parked on the southern side of the road (2.1m-2.3m width) this leaves approximately 4.7m-4.5m for
the traffic movements. This available width, when there are parked vehicles, does not allow for opposing vehicle movements to pass and therefore one of the vehicles is required to pull to the side of the road, between parked cars, while the other vehicle passes.'

Fern Street is the only entry and exit point for 78 households with nearly 200 resident cars at the present time. The number of residents’ cars will increase in the near future, due to numerous elderly residents who will be replaced by families with at least 2 cars each and the large number of children and teenagers who will be driving and owning cars in the next 5-10 years, implying an increased number of cars parked in the streets.

We disagree with the assertion made in the TIA that a large number of children will be walked to the Centre. The Centre will service a wider area of Bayside and most families attending will need to drive their children, rather than walk as the report suggests, because in residents’ experience, when Janet Mundy kindergarten was operating, most parents continued on to school drop-off or work. The report’s assumptions do not reflect real life traffic movements.

We highlight a discrepancy in the projected traffic movements: .On page 33 onemilegrid undertook turning movement surveys of existing child care centres at Croydon and Alphington. Neither centre were in similar settings. The Croydon centre is located on a divided road (2 lanes each way). The Alphington centre is located on an undivided road (2 lanes each way).
.onemilegrid used the data to ‘Adopt the average rates determined at the two case study sites to the proposed 66 child development equates to the following traffic generation during the peak hours.’

We refer to the Conclusion on page 38 of the TIA which states ‘The proposed development is anticipated to generate up to 38 vehicle movements during the AM peak hour and 42 vehicle movements during the PM peak hour’.

However on page 4 of the TIA under the Traffic Generation and Impact heading it is stated ‘The proposed kindergarten is projected to generate up to 52 additional movements in the AM peak hour and 92 movements in the PM peak hour.’

Clearly there are conflicting conclusions in the TIA. To use other centres which are dissimilar is not a solid basis to make traffic movement assumptions for the proposed Centre.

Our assessment of total traffic movements, over a weekday, is based on the likelihood that the majority of staff and users will drive to the Centre. This is the worst case scenario that must be considered.

AM
up to 9 staff (kinder, occasional and maternal health)
up to 88 children to be dropped off
up to 3 maternal clients (45 min appointments over 1.5 hours)
Total 100 movements

PM
up to 9 staff (kinder, occasional and maternal health)
up to 88 children to be dropped off
up to 3 maternal clients (45 min appointments over 1.5 hours)
Total 100 movements

In addition to the existing growing traffic movements, there are potentially an extra 200 daily traffic movements associated with the proposed Centre. This would be a disaster waiting to happen with risks to cars/drivers and pedestrians, particularly children.
Alternative site options

Based on the above concerns, we would like the following options considered:

• Corner of Bluff Road and Fern Street with drive in drive out entry and exit onto Bluff Road. 2 – 6 Fern Street to be established as part of Tricks Reserve including a public toilet
• Vacant land adjoining Sandringham Bowling Club on the western boundary. Entry from Tulip Street including parking and additional parking available from Spring Street.

Thank you for considering our serious concerns.

Kind regards,

Jenny Thomas and Cleve Warring

7. Mrs Nan Devas (O)

I wish to convey my concern re Child Care Development. It is far too large for Fern St., and will create traffic chaos with cars entering Bluff Rd.
8. Mr Alex Harmati (O)

Dear Councillors,
I request re-consideration for the proposed Fern Street Children’s Centre.
Whilst I am not opposed to a development per se, in line with Council and Community requirements,
I have reasons to express for the safety, well being and increased probability of risk to our
community, maybe comprised with current development proposal.
My objection is based around the Original Intention of Fern St, its design, capacity planning,
construction and layout, and the impact directly related to increased traffic activity from the Proposed
Future Community Hub is not beyond reasonable doubt that Fern St will be at overcapacity (Unfit for
Purpose) and be unsafe, increasing the risk of injury, harm, distress, cause mental health concerns
and well being to our local community and users of the Community Hub, which includes vulnerable
children and people with disabilities.
Fern St was designed, planned and constructed as a thoroughfare with an exit street to the east of
this precinct. This did not eventuate, and my understanding no changes were made to Fern St to
accommodate the revised traffic flow scenario.

Planning in the late 1940’s would have estimated the estate to 78-80 houses and vehicle ownership
and usage relevant to that period with some growth projection. Estimation based on the above,
an average of 40 vehicle moments exiting Fern St between the hours of 6.30 to 10.00am M-F. In
2020 that estimate has increased to 72 exits over the same period, Adding 80%+ traffic flow.
With data provided by the Council an estimate of the Hub can create 70+ movements of traffic
exiting Fern St, therefore adding another 80% increase.
Fern St was designed, constructed and intended to provide safe and reasonable traffic flow
movements to our community, and with additional car ownership and usage of local residents, the
non completion of East side exit, and the increase vehicle ownership and usage in 2020 and
beyond, I propose that the size and scale of the proposed Community Hub, will not provide safe and
manageable traffic flow beyond reasonable doubt, causing Fern St to be Unfit for Purpose and
increase the unintended likelihood, of risk to person, and property, to the local community and user
of the proposed Community Hub.
Regards Alex Harmati
9. Mr Steve Martin (O)

Dear Councillors,

Thankyou for taking the time to consider this objection to the planned construction of the proposed Fern Street Children’s Centre.

The site in question has previously been used (2-3 years ago) for a significantly smaller children’s kindergarten (Janet Mundy Kindergarten), so our objection does not relate to the council’s plan to build a children’s centre in this precinct.

We do however have fundamental objections to the development of the plans, traffic management in the area and the ongoing safety of all residents and users of the children’s centre in the future.

It is clear that the feedback provided by many of the residents in organized feedback sessions has not been considered or acted upon, which shows either a level of contempt by planners for local issues or a lack of will to broaden horizons to find solutions that will work for all stakeholders.

Therefore we object to the proposed Child Care Centre at 2 Fern Street based on the following reasons;

1) Lack of a cohesive traffic management plan for movement through the Fern / Potter Streets & Bluff Road Intersection.

The current plan does NOT cater in any way for the additional vehicle traffic that will enter the area through Fern Street / Potter Street intersection.

This will become a busy intersection at peak times with both residents needing to exit Fern Street for school drop-offs and work commitments as well as parents of children at the proposed child-care centre.

Traffic management consultants, being non-residents, have not taken into account the unique and specific issues faced on the intersection of Bluff and Fern Street – particularly faced by those taking right hand turns.

Current plans will lead to excessive queuing of cars in Fern Street seeking to turn onto Bluff. These cars will que along the front of the children’s centre in Fern Street, which will only add to the traffic safety concerns around the centre.

Also, traffic management consultants, appear to believe that Fern Street can carry two lanes of traffic, plus parked cars on one side of the road. This is totally incorrect. Being a residential road, Fern Street is not wide enough to take any more than 2 lanes of traffic at any time. Road width of
Fern Street is 7.02 metres and according to Vic Roads Guidelines, a local road of 2 lanes of traffic and one lane of parking requires a street width of 8.4 metres.

For Fern Street traffic to flow, the northern side of the street MUST be maintained as no parking, no standing at all times.

Vehicles will need to u-turn in the street. There is no provision in the plans for vehicles to turn safely. Our driveway faces out onto Fern Street and thus we are concerned it will increasingly be used as a turning area. As our entry gate enters onto this driveway our concern is for the safety of our children when they use the gate to exit their home.

These streets also contain many residents with children who over the coming 5 years will be of driving age. Traffic management consultants have not considered this demographic when considering the impact that these additional drivers and vehicles will add to this situation.

2) Insufficient safe off-road parking.

Traffic management planning suggests that most child centre participants will walk to the site. This analysis is erroneous and does not take into account the demographics of the local area.

To support this assertion, please consider that Janet Mundy Kindergarten closed in 2018 due to a drop in enrolments to circa 20 children. This situation has not changed in the last three years and hence the vast majority of attendees will have to be procured from outside the area and will be transported to the location by car.

At present, on-site parking plans do not meet the requirements for the centre. Once centre staff parking has been considered, there will only be 5 remaining parking spots available, causing all remaining vehicles – potentially over 30 to park in local streets.

Additionally, numbers stated for those who use the centre is 66. Yet, capacity is 88. Thus, numbers presented for analysis for car parking need to fully reflect the capacity of the site, which it currently does not.

I believe that planners are also expecting support to accept overflow parking at the Black Rock Sports Club however, there is no agreement in place between these parties and therefore a solution still needs to be found to ensure full compliance to local laws.

3) Safety of children.
It is clear that through the planning process of this centre that the fundamental requirement to provide a safe environment for children has been neglected.

This has occurred through the following actions;

1. A total miss-reading of how vehicle traffic flows in the local area and the challenges currently faced by residents.
2. Misrepresentation of the number of vehicles that will need to enter and exit local area streets during peak periods once the centre is fully operational.
3. Failure to consider area demographics of driving age residents as well as where centre participants will travel from.
4. Failing to provide basic facilities such as zebra crossing to cross Fern Street and consideration of how vehicles will u-turn.
5. Failure to provide adequate parking on-site to ensure traffic flow will be maintained.

All of these issues will compound to create a very unsafe situation that both child centre participants and residents will need to deal with on a daily basis.

4) Potential Solutions.

1. Consider options to bring all participants onto the exiting site - directly from Bluff Road access. To do this, the car park could be located on the corner of Fern & Bluff.
2. Consider moving the Child Centre to be located on the western side of Trick’s Reserve, facing Bluff road, so that vehicle access can be gained from multiple points on Bluff Road wherever it is deemed safest.
3. Failing Options 1 & 2, Consider an alternative site. This type of proposal with this traffic management plan is not suitable to be built on this site, if entry is planned from Fern Street.

Regards,

Steve & Michelle Martin
25 Sturdee Road,
Black Rock 3193.
Dear Councillors,

We think the proposed kindergarten will be great, however, we are very concerned about the safety of people with the limited number of car parks, the amount of extra traffic and the large number of people using the facilities.

The town planning report stated the proposed development is anticipated to generate up to 38 vehicle movements during the AM peak hour and 42 vehicle movements during the PM peak hour. This is a large underestimate considering Onemilegrid has stated the proposed kindergarten is projected to generate up to 52 additional movements in the AM peak hour and 92 in the PM peak hour.

Under clause 5.6 comparing the previous kindergarten operating with no car park to the current application of a capacity of 55 is misleading as the maximum new childcare places is proposed to be 88. Add to that the increase in traffic for the maternal child and health and the multipurpose room.

We are very concerned about the parking in the surrounding streets plus that the existing road infrastructure won’t have the capacity to cater for the level of traffic generated by the proposed development and the safety concerns that arise from this.

Kind regards,

Leonie and Patrick Gilbert
11. Mrs Sarah Sime (O)

There is an inadequate Traffic Management Plan to address the huge increase in cars that will enter and exit Fern St, as a result of the proposed Centre at 2-6 Fern St, Black Rock.

Please see listed my objections to granting the permit:

INSUFFICIENT PARKING: Insufficient off-street or drop off zone parking provided. When the previous kindergarten operated (with fewer children and so a smaller volume of cars), parents would park across driveways in nearby streets, and also park and leave their cars on Fern St in the No Standing and No Parking zones. As a resident when you then try leave Sturdee Rd you can’t see clearly up the street as to if that road is clear to pull out when people are parked in this fashion.

At the community information day it was stated that parents would be encouraged to park in Bluff Rd or McKay Ave. Both are inadequate and unsafe options. McKay Ave is small and has the same issues as Fern St with narrowness and no room for passing traffic. Also those picking up children after work are highly unlikely to park there and walk though the park, it is dark at 5pm in winter! Likewise, Bluff Rd is a poor option as it will also cause vision issues for those trying to turn out of Fern St. The left side of Bluff Rd from Fern St is already full every day with hospital workers and you can’t get adequate site of oncoming cars. The right side only has a few spaces and again, this causes vision issues. Realistically cars using the centre will park only in Fern St.

SAFETY: When parents park illegally as in #1, small children are impossible to see between cars, and I have seen waiting kids dash out between cars and nearly be hit, while the parent is trying to get another child strapped in.

Even when parking in a legal spot, when the old kindergarten was there, I saw many near misses with cars trying to manoeuvre and kids being loaded in and out on the road side. As a mother of two, I am very aware that you often have to park the pram whilst loading the runaway toddler in first and then load the baby road side. This is going to be dangerous in such a narrow road.

CONGESTION: Traffic in Fern St will bank up in an already narrow street, leaving a single lane for through traffic, which will be obstructed by cars waiting to exit Fern St. This means that access into Fern St from Bluff Road will be blocked by cars parked on both sides, and the single lane remaining will be full of cars waiting to enter Bluff Rd.

If cars are parked on the left side and you are driving towards Bluff Rd and someone comes the other way you need to pull over or reverse. It is particularly dangerous if pulling off Bluff into Fern as you are stopped at the top of Fern waiting and if someone comes in behind you around the corner and you have nowhere to go. I can’t imagine how this will be managed with the huge uptick in traffic in Fern St.

As someone who leaves between 8am and 9am five days a week, and need to turn right into Bluff Rd I am very well aware of how difficult this can be. I often can’t see if there are cars coming down Bluff Rd towards Black Rock as there are cars parked in Bluff Rd obstructing the view. That fact added to the busy morning traffic means we often turn left and then right down Love and go around the block, this means you have to go through the children’s lollipop crossing. This will be ultra exacerbated by the huge increases in cars trying to turn out of Fern St. It was said at the community information session that a left turn lane was not possible due to the fire hydrant or light pole and that it was too expensive to move. (There is space there to put a left turn lane.) Also that traffic lights were not an option as it was a Vic Roads Rd as that it was not a priority for them. Someone needs to come and see just how hard it is to get out of Fern St in rush hour, during school term, (and not in COVID when traffic is reduced).
INCONVENIENCE & DELAYS: As a result of the increased volume of traffic, access into and out of these streets to go to work etc will be significantly affected. How will the one lane work with the volume of trucks and builders cars, of which there will be many!

INCREASE IN RESIDENTS’ CARS: The traffic report did not take into consideration the fact that in the 3 streets that run off Fern St, there are now an increasing number of cars per household due to teenagers with P plates, and so the volume of traffic in this pocket is going to increase substantially.

BOATS - CONGESTION & SAFETY: many residents have boats and trailers, movement of which will be very difficult and dangerous with increased traffic and cars standing/parking on both sides of Fern St which the current traffic plan would allow. We also note the significant increase in boats, trailers and spare cars that seem to be parked at the bottom of Fern St on the nature strip.

OVERDEVELOPMENT:
This is a quiet residential area. We chose to live here for that reason, and not near a large busy shopping strip or school. The small kindergarten that was here was limited in days and numbers of attendees, and still caused traffic issues at times. The proposed venue has much longer operational hours, much larger capacity and expanded facilities - it should be sited appropriately in a large street with appropriate parking, not a small quite suburban cul de sac.
12. Mr Brendan Egan (O)

The proposed development in Fern St is only going to compound one of the most dangerous traffic arrangements in Bayside. Fern St is an extremely narrow No Through Road. It has 3 cul de sac type streets leading off it. Garnet Leary Ave, Sturdee Rd and Stevens Pde are ALL No Through Roads. The one driveway exit to Bluff Rd for a total of nearly 80 households is Fern St! Building a Community Health /Children's centre near this one exit in such a poorly accessed location is a very foolhardy and dangerous idea. The street layout is built for 1950s minimal FJ Holdens not the multiple 4X4 Jeeps and Range Rovers of todays households. The centre should be built in an easily accessed safe location.

The impact for me will be a further increase in the difficulty of entering and exiting my property in close proximity to Fern St opposite and Potter St to my left.

I would ask Council to give serious consideration to risk they are creating by approving the centre in Fern Street.
13. Mr Blane Hansen (O)

We are extremely concerned about the current inadequate Traffic Management Plan to address the significant increase in cars that will enter and exit Fern St and significantly impact resident access and parking in Garnet-Leary Avenue, as a result of the proposed Centre at 2-6 Fern St, Black Rock.

Concerns raised by locals at the council community meetings last year at the Black Rock Sports Club, have not been adequately addressed, and my objections to not granting the permit at this time are for the following reasons:

1. The plan has not completely taken into consideration the impact the additional parking and traffic will have on the already small and narrow streets and limited residence parking at the intersection of Garnet-Leary and Ferns street. The streets in this quiet residential pocket of Black Rock, are only accessible via a one way in, one way out entrance via Fern street and Bluff Road and an increase in parking and traffic, will only further erode the uniqueness of the location and safety the residence and families with young children have enjoyed for more than 70 years.

2. INSUFFICIENT OFF STREET PARKING: the off-street or drop off zone parking provided is insufficient and will only generate significantly more non-residents parking and traffic congestion in Garnet-Leary Avenue, particularly to residence close to the intersection with Fern Street.

   • This non-residence parking and traffic congestion (i.e. people attending to use the facilities/not from the immediate streets, Fern, Garnet-Leary, Sturdee and Stevens), will significantly impact resident in Garnet-Leary Avenue, particularly during peak traffic times (departing/returning for work, kinder/school drop off periods). Due to the lack of off street parking or drop off zone in the plans, non-residence are significantly more likely to turn into and use the Garnet-Leary/Ferns Street intersection to conduct unsafe U-turns and/or and use Garnet-Leary Avenue to park or use residence driveways to turn into or obstruct ,block or park illegally over residence driveways. Thus creating limited and unsafe access to residence properties. A common theme seen and experienced in the Black Rock area when inconsiderate drivers park illegally at local kindergartens and schools during drop off times.

   • Residence in Garnet-Leary Avenue are already significantly impacted by people parking in the street or on Fern Street, who are visiting the Black Rock bowls club and not utilising that venues off street parking facilities.

   • Garnet-Leary Avenue should be re-zoned for residence only parking to prevent the above mentioned issues.

   • Consideration for a change to the posted speed signs in Ferns street and Garnet-Leary Avenue from 40 to 20 Kph.

3. SAFETY: When the previous kindergarten operated (with fewer children and so a smaller volume of cars), parents would park across driveways in nearby streets, and also park and leave their cars on Fern St in the No Standing and No Parking zones.

4. CONGESTION: Traffic in Garnet-Leary Avenue and Fern St will bank up in an already narrow street, leaving a single lane for through traffic, which will be obstructed by cars waiting to exit Fern St. This means that access into Fern St from Bluff Road will be blocked by cars parked on both sides, and the single lane remaining will be full of cars waiting to enter Bluff Rd.

5. INCONVENIENCE & DELAYS: As a result of the increased volume of traffic, access into and out of these streets to go to work etc. will be significantly affected.

6. INCREASE IN RESIDENTS’ CARS: The traffic report did not take into consideration the fact that
in the 3 streets that run off Fern St, there are now an increasing number of cars per household due to teenagers with P plates, and so the volume of traffic in this pocket is going to increase substantially.

7. BOATS - CONGESTION & SAFETY: many residents have boats and trailers and movement of which will be very difficult and dangerous with increased traffic and cars standing/parking on both sides of Fern St which the current traffic plan would allow. There has also already been concerned expressed to Council regarding non-residence parking boats, trailers, caravans and other personal recreational items in Garnet-Leary Avenue and Fern Street, with no reasonable solution provided by Council.

Consideration should be made, for either:
• Change the plans:
  1. So the entry/exit point is located on Bluff road,
  2. Create a small circular drop point,
  3. Utilise Fern street footpath/nature strip to widen parking options.

• Re-zoning of Garnet-Leary Avenue to residence only parking to minimise the impact on residence parking, safety and access.

• Change the posted speed signs in Fens street and Garnet-Leary Avenue from 40 to 20 Kph due to safety concerns for residence and families with young children.

• Scrapping the entire project, as the plans clearly indicate it is now all about the re-development of the kindergarten and not an actual replacement of the Sandringham maternal health centre. A more logical solution would be the upgrading or redevelopment of the Black Rock Kindergarten and adjacent maternal health centre, which has existing and better access and parking via Bluff road and Black Rock Shopping strip.

Submitted for your consideration.

Blane Hansen and Heidi Fenech
14. Mr Chris Moshidis (O)

OBJECTION
I am extremely concerned about the current inadequate Traffic Management Plan to address the huge increase in cars that will enter and exit Fern St, as a result of the proposed Centre at 2-6 Fern St, Black Rock.

Concerns raised by locals are the council community meetings last year at the Black Rock Sports Club, have not been adequately addressed, and my objections to granting the permit are for the following reasons:

INSUFFICIENT PARKING: Insufficient off-street or drop off zone parking provided. When the previous kindergarten operated (with fewer children and so a smaller volume of cars), parents would park across driveways in nearby streets, and also park and leave their cars on Fern St in the No Standing and No Parking zones.

SAFETY: When parents park illegally as in #1, small children are impossible to see between cars, and I have seen waiting kids dash out between cars and nearly be hit, while the parent is trying to get another child strapped in.

CONGESTION: Traffic in Fern St will bank up in an already narrow street, leaving a single lane for through traffic, which will be obstructed by cars waiting to exit Fern St. This means that access into Fern St from Bluff Road will be blocked by cars parked on both sides, and the single lane remaining will be full of cars waiting to enter Bluff Rd.

INCONVENIENCE & DELAYS: As a result of the increased volume of traffic, access into and out of these streets to go to work etc will be significantly affected.

INCREASE IN RESIDENTS‘ CARS: The traffic report did not take into consideration the fact that in the 3 streets that run off Fern St, there are now an increasing number of cars per household due to teenagers with P plates, and so the volume of traffic in this pocket is going to increase substantially.

BOATS - CONGESTION & SAFETY: many residents have boats and trailers, movement of which will be very difficult and dangerous with increased traffic and cars standing/parking on both sides of Fern St which the current traffic plan would allow.
PROPOSED BAYSIDE DEVELOPMENT - SERIOUS SAFETY & TRAFFIC ISSUES

My concern is around safety of our community members and children using the potential new development due to substantially increased traffic volume and parking congestion on small no through street.

Fern St is narrow street with existing street parking which with cars parked on the street, there is only enough space for one car at a time. There is already existing sports club which already have increased traffic at time the new centre will only increase the traffic and the risk on the street.

Please reconsider your plan on new development.

Kind Regards,

Min
16. Mr Armando Bompane (O)

Dear Councillors

I formally object to the development 2-6 Fern St Black Rock.

I have serious safety concerns that the traffic congestion will impact Fern St / Bluff Rd / Potter St intersections.

Further to the traffic congestion at the intersection, I feel the traffic report within the planning permit does not adequately address traffic and parking requirements. With the capacity of the Kinder at 88 children with 8 staff, and with a multipurpose room that can accommodate up to 30 guests, the traffic report allows for 14 on site car spaces, and suggests that all overflow parking should be accommodated on Fern St – thereby creating additional congestion on an intersection (Fern/Bluff) that can already be congested at peak times.

It should be noted that the Fern St – Bluff Rd intersection is the only entry for three other streets (Sturdee Rd / Stevens Pde / Garnet-Leary Ave).

The traffic report within the planning permit does not in my opinion address the potential safety risks associated with additional traffic congestion.

Thank-you for taking this objection into consideration.

Regards

Armando Bompane
17. Mr Ryan Lynn (O)

1. When Janet Mundy Kinder (JMK) was operational, the associated parking of vehicles resulted in congestion in Fern St, and the congestion would spill over into Garnet Leary Ave. There would also be numerous U-turns made at the Fern St-Sturdee Rd junction. Furthermore, as observed in the OneMileGrid report, when vehicles are parked in Fern St there is no opportunity for other vehicles travelling in opposing directions to pass each other. This would cause a bottleneck at the west end of Fern St, with cars trying to enter from Bluff Rd - banked up vehicles pose a hazard. There is no reason to expect that this congestion would not be as bad or worse under the proposed application.

2. School children on bicycle or foot utilise the pathway through Tricks Reserve for access to and from Black Rock Primary School. Logjam of vehicles poses a hazard for these children negotiating Fern St. Furthermore, the school children traverse this area at the morning and afternoon peak times. Note the Travel Smart Map reproduced in the report acknowledges the line from the Tricks Reserve path to Garnet Leary Ave being a cycling route.

3. The hazards of congestion from vehicles in point 3 above also poses a hazard for anyone approaching from the north on foot, bicycle, scooter etc trying to access the proposed facilities (the report references parking for children's bicycles and scooters, so this is anticipated). This is in conflict with, “The convenience of pedestrian and cyclist access to the land.”

4. A line of parked cars in Fern St will hinder sight for any vehicles attempting to exit the carpark of the proposed facilities. Said vehicles will also hinder movement of vehicles entering Fern St from Bluff Rd. The proposal’s heavily limited onsite parking provision means this is a real proposition.

5. The car parking survey area is illogical. Nobody is going to park in Eliza St, Potter St or Red Bluff St and then try and negotiate Bluff Rd with young children, bags, prams etc. The inclusion of McKay Ave in the survey also makes little sense - it’s a narrow street ending in a cul de sac with an extremely tight turning circle. Parents of children attending JMK never used these streets so I fail to see why they would now. Therefore, the supply of parking spaces considered in the report is significantly and unrealistically inflated.

6. The report stating vehicles can make the turn right from Fern St into Bluff Rd fails to acknowledge that there can be difficulty/hazard in doing so. Bluff Rd is getting ever busier, year on year, and gaps in the traffic to make such a turn are becoming smaller. The report also fails to acknowledge that Potter St is offset from Fern St to the north - this means there is an awkward overlap for vehicles attempting to turn right from Potter St and from Fern St simultaneously.

7. The proposed carpark’s crossover I believe would decrease the parking on Fern St assessed by the report, exacerbating the congestion further.

8. Fern St is the only access route for all residents in Garnet Leary Ave, Sturdee Rd and Stevens Pde. It concerns me that congestion in Fern St could hinder access by emergency vehicles to any of these streets, be they police, fire or ambulance.
18. Mr James Stuart-Menteth (A)

Bayside Planning and Amenity Committee

11 August 2020

2-6 Fern Street, Black Rock

Agenda Item 4.1

Written submission on behalf of Bayside City Council

Key points

- Purpose built centre to satisfy local community need, having been endorsed by Council in August 2018 as a priority for Black Rock and Sandringham
- Land formerly occupied by Janet Mundy kindergarten and girl guide/scout hall with no on-site parking
- 14 car spaces are provided ‘on site’ for safe peak drop off and pick up
- Intersection analysis confirms acceptable entry/exit off Fern Street with sufficient road capacity for traffic generation
- Uses will be staggered to limit peak period overlap and carefully manage traffic/parking
- Of 9 trees to be removed, 8 have low retention value and the Silky Oak is not an indigenous species remnant to the area – retention is not viable as designed and 9 replacement trees to 8m height are proposed
- No objections raised by Council’s traffic engineer or arborist

Summary

The proposed uses are considered appropriate to the location given the zoning, history of land use and context. Furthermore, Council’s 10 Year Early Years Infrastructure Plan 2008-2018 has identified a clear need for a centre in this neighbourhood.

The project has evolved based on previous community consultation and ongoing dialogue with Council’s Planning Department, resulting in the provision of a car park to the east of the centre providing 14 spaces for peak drop off/pick up times and overall parking demands generated by the centre. This is in lieu of a kerbside arrangement like the former land uses relied upon and will ensure a safer environment for pedestrians/vehicles entering & exiting Fern Street and the facility.

Some limited vegetation removal is necessary to proceed, noting the pre-application phase involved close analysis of building siting based on best fit for maximum tree retention - a reduced building envelope resulted. The right balance has been struck, since 8 of the 9 trees requiring permission for removal are low retention value trees (including one dead tree). This is an excellent outcome and demonstrates a sensitive design approach to limit impact on native vegetation throughout the reserve. Replacement tree planting will also comprise native
canopy trees and shrubs, with long term offsets far outweighing the limited but acceptable impacts of the proposal.

We support the recommendation as printed and consider it appropriate for Council to approve the application.
Item 4.2

2B North Road, Brighton
1. **Mr Peter Henley (O)**

   We live directly opposite the cafe and have enjoyed a quite association with the cafe from day one mainly because it closes at 5pm each day.

   If a late trading liquor licence [which is transferable upon sale] is approved the effects are obvious in respect to parking, noise, disagreements and debris being apparent in which has previously been a quiet residential area.

   Do any councillors live in North Road, answer is NO..please respect fellow rate payers please.
2. Mrs Heather Macfarlane (O)

Planning & Amenity Delegated Committee
Bayside Council
For meeting to be held 11 Aug 2020

Dear Councillors and Statutory Planning Department

Re: Agenda Item 4.2 Application 5/2020/106/1 and Address 2B North Road BRIGHTON and Amendment 18109_TP REVISION SET_20200708.pdf

Thank you for the Notice of Application for a Planning Permit, the Amendments and the Agenda Item 4.2 - matter for Decision.

We are writing as the owners of Unit 5, 2 North Road, Brighton VIC 3186. Ours is the residence directly to the east of the cafe. As such we are the most affected by the application.

Further to our objections that are on the record this brief document outlines the key points we would have made if we had the opportunity “to be heard” at the Planning & Amenity Delegated Committee Meeting. We highlight the following key points from our objection and request the amended plan be rejected.

1. We object to the visual bulk of the revised plans which is massively larger than the current profile.
   a. The tallest point on the plan at 6.895m above natural ground level on east elevation. This has not changed from the original application.
   b. The visual bulk impact compared to the current building is significantly increased as shown in attachments 1 and 2. Please note this objection is based on the overall change in visual bulk, not just on limitations to views. The visual bulk:
      i. Changes the character of the neighbourhood for users of the public park and recreation area to the east and south of the premises
      ii. Dwarfs the vegetation which is covered by a Vegetation Protection Overlay (VP01) in the Bayside Planning Scheme. By dwarfing this vegetation the proposed building will reduce the solar access to the area (refer planning scheme 59.04-2). These trees that are recognised with cultural heritage value with Vegetation Protection Overlay
2. We argue this plan significantly breaks the Design Development Overlay as stated in the North Road Masterplan p4 Zoning and Overlays: Design Development Overlay. The statement includes that buildings: must comply with requirements as outlined in the Victorian Coastal Strategy (2014) and the Bayside Coastal Management Plan (2014). Including:
   - No net increase in building footprint and seek rationalisation of existing buildings where possible in any redevelopment works.

As described in the History section of the Agenda Item the building footprint on which the cafe was originally permitted is smaller than currently used. The extension for larger footprint usage was “granted on 19 November 2007 for the Construction of a pergola to the side of an existing café”. Attachment 3 highlights the difference of the building footprint compared to the overall footprint including the pergola and outdoor space.

In the past we have not raised objections either to the original application to change the purpose of the coast guard building to a cafe or to the vergola extension. It was a vergola approved in 2007. However this application is of a different order of magnitude and massively increases the building footprint. The application seeks to convert a low key pergola enclosed outdoor space to a 2 storey building.

3. While we still have the following concerns we recognise the Council has put in place subsequent conditions of the applicant and procedures to monitor the progressive design and build updates with respect to these items:
   a. Car parking & Traffic
   b. Waste management
   c. Water management measures
   d. Public Realm Improvement Plan
   e. Acoustic management
   f. Environmental Sustainable Plan

Active follow up of these conditions is critical to management of our further objections.

We note that where patron’s dogs get tied up and the associated dog barking has not been specifically identified. We and our neighbours experienced disturbances prior to COVID-19 restrictions. If the plans continue in anything like the current form and if patrons continue to tie dogs to the trees to the east of the property this is likely to significantly exacerbate the disturbance due to reverberation from the proposed wall and there will be less ability for patrons to monitor their pets.

In summary we thank councillors for consideration of the key points we have highlighted. On the basis of the visual bulk and the net building footprint increase we request councillors reject the applicant’s plan in the current form.

Regards… Heather Macfarlane and Chris Payne
Attachment 1: Current amenity

Attachment 2: Proposed visual bulk

Attachment 3: Building footprint comparisons
3. Ms Aliza and Mr Howard Komesaroff (O)

Council Meeting re 2B North Rd 11/8/20

We are long standing residents of Chatsworth Avenue Brighton and are strongly opposed to the proposed North Road café development.

Our objections are based on the inappropriateness of this late night venue which is not just proximate to but completely embedded in a quiet, residential area.

The noise levels which would be uncontrollable due to the venue’s extensive outdoor area will adversely impact the quiet enjoyment of residents and foreshore visitors. After closing, clean up will undoubtedly continue into the early hours of the morning.

The proposed paid parking arrangements will ensure patrons will use the free parking on side streets further disturbing residents when they leave the venue late at night.

Bayside Council some 10 years ago placed gates on the car park to prevent its use as an afterhours speedway. The area was regularly littered with trash, condoms and needles and the closure eliminated these problems. With the proposed opening of the late night venue, we can expect a return to the area by those who have no respect for residents, visitors or the environment.

The development is also inconsistent with Clause 4.1 of Bayside Council’s 2017 Alcohol Harm Minimisation Policy. This states that ‘[i]nadequate access to public transport particularly around closing times’ as a policy objective. The North Rd Café location does not have any public transport access.

The proposed development is not in keeping with the intended land use described in legislation as for ‘public purpose’. Functions at the venue would preclude members of the public from entering the venue hence negating the public purpose intention.
Throughout the consultation process residents’ objections have been ignored and trivialised. It is unprecedented for Council to approve a development without detailed knowledge of plans, seating capacity and structural elements which has been the case for this development. We are not anti – development. However, this proposal completely undermines the needs and rights of neighbourhood rate payers. A more equitable resolution is essential which balances the interests of neighbours and the commercial objectives of Council.

Aliza and Howard Komesaroff

4. Mr Anthony & Mrs Marilyn Lopes (O)

I repeat my objections dated 14 April 2020 and already lodged with council
5. Dr Bronwyn Ridgway (O)

Re Objection to Planning Application 106/2020 for 2b North Road

I am an objector to the proposed development and wish to draw attention to the following particular points from my submission and the Officers Report (Report) to the Planning & Amenity Delegated Committee Meeting of Council (Council).

I am particularly concerned on following fronts:

- The Report does not draw to Council’s attention my previously written objection that Bayside City Council is the owner of the land and the asset that is being improved and as such has a conflict of interest in making the decision. Council will stand to gain a new multimillion dollar asset on land that it owns.

- The Report states that “The Council … does not currently have an adopted Environmentally Sustainable Design Policy (p130).’ This is not correct. Council has a Sustainable Infrastructure Policy (2017) and an Environmental Sustainability Framework 2019–2023 Action Plan. Council is not requiring the structured incorporation of the ESD principals that these documents contain into the design. Whilst this building is not being built by Council it is owned by Council and is ultimately being built for future generations of ratepayers of Bayside. It should sited, designed and built broadly in accordance with Council’s own policies.

- The Report recommends that the development be approved but with a large number of conditions. This is inappropriate and most of these conditions should be addressed by the proponent prior to Council approving the development. The proposal should then be resubmitted when the proponent can demonstrate that the conditions can be met without unacceptable compromises being made.

Of particular concern are the conditions relating to the parking (inadequate staff parking, lack of public and disabled parking) and noise. Increased parking can only realistically be met by using adjacent land. This land contains significant coastal vegetation of ecological and social value that would be adversely affected if turned into parking lots. The lack of modelling of noise sources and potential mitigation/screening to prove that noise limits can be met at the nearest sensitive receptors leaves nearby residents at risk of having to live with ongoing noise and unacceptable reduction in amenity.

I believe that the lack of attention to the details above along with those contained within my original objection mean that Council should not approve this development before additional work is done to address objectors’ comments and many of the conditions contained in the Officers’ Report.

There is the opportunity for a building on this site to set the standard for Bayside infrastructure design – an opportunity that will be missed if the building proceeds in the proposed form.

Thank you for the opportunity to provide input to this important project.

Kind regards

Dr Bronwyn Ridgway
6. Mr Ross & Mrs Wendy Toy (O)

Objections to North Point Café Development and Expansion:
1. Noise Levels
The area surrounding North Point Café is purely residential and is in very close proximity to surrounding homes. Noise levels are of particular concern. The submitted plans show that the outdoor dining area is not contained as promised by the architect at the relevant Council meeting in 2019. Where is the plant equipment to be placed? Probably outside, running into the evening. No indication of the type of glazing to be installed.
2. Setbacks
The building is right up to or very close to the boundaries. There appears to be no minimum setback as required by the Bayside Building Code.
3. Deliveries
The loading bay is tight and very close to homes- more noise at early and late hours.
4. Building Height
The Bayside Council and the café operator, promised that the proposed building be only single storey. 5.97 metres high is not a single storey building. No consideration has been given to the surrounding homes or obstruction of their views for which they have paid a premium to buy the property and in Council rates.
5. Parking
Parking arrangements for customers’ or workers’ cars has not been indicated. Opening times of the car park is not mentioned. Parking will flow into nearby streets, thus adding to late night noise from patrons often intoxicated.
6. Longer Hours
Extended hours of the Café encourages increased intake of alcohol (close to a children’s playground), leading to antisocial behaviour.
7. Proximity to Public transport
Council guidelines insist that public transport be nearby a late night venue for patrons and staff. The area has no public transport.
8. Billilha Process
No Bayside Councillor would want this development close to their home. This is demonstrated in the case of Billilha. As discussed at the relevant Council meeting in 2019, the tenant for Billilha is to be very carefully selected, not allowing a restaurant or café- especially operating at night, as local residents would “Go ballistic” Quote from Councillor James Long.
It is curious that Billilha be of such careful consideration!
9. Due Process
The application has been submitted and signs erected during a compulsory Coronavirus lockdown.
10. Climate Emergency
The Bayside Council has recently declared a Climate Emergency in Bayside, yet allows such a large, noisy establishment serving an increased amount of take-away in disposable containers and the wastage of children’s parties.
Ross and Wendy Toy
Dear Councillors

**OBJECTION – REQUEST TO BE HEARD**

**PLANNING PERMIT APPLICATION NO. 5/2020/106/1**

**NORTH POINT CAFÉ – 2B NORTH ROAD, BRIGHTON**

We act for the following listed objectors, all from Brighton, who each separately object to the grant of a planning permit in respect of the above (‘Objectors’):

- Frank Materia of 4-6 Brandon Close
- Michael Lawrence of apt 4, 18 North Road
- John and Julie Doquile of unit 1, 16 North Road
- Chris and Heather Payne of unit 5, 2 North Road
- Deborah Noonan of 10 Brandon Close
- Maurice and Sue Gross of unit 6, 2 North Road
- Joe Catalfamo of 33 Chatsworth Avenue
- Carmel Boustany of 2 Alimar Court

By way of being heard, this submission substitutes for an oral presentation to Council, as invited by Council’s letter dated 28 July 2020.

We refer to the Planning & Amenity Delegated Committee Meeting agenda dated 11 August 2020, item 4.2, and the Officer Report therein, and to the written objection dated 9 April 2020, which we lodged with Council on behalf of the Objectors (‘Objection’).

We note the applicant has provided amended plans dated 8 July 2020, revision C (‘Amended Plans’). The Amended Plans appear not to have sought to address most objector concerns but merely lowered the parapet height by 430mm.

**Objection**

Given the apparently modest and insubstantial changes made by the Amended Plans, the Objectors maintain their Objection, and further wish to emphasise the primary reasons why the proposal is still not an acceptable planning outcome.

In essence the proposal, inter alia, exhibits unreasonable visual bulk and mass, including by way of increased height across a large expanse of built form, a wholly unsubstantiated (which the Officer Report acknowledges) and unjustified car parking waiver, and fails to properly manage its interfaces with adjacent residential zoned land.

In respect of the latter point, for example, adjoining residential zoned properties will be subjected to unreasonable off-site amenity impacts including loss of coastal/bay views, waste collection noise and patron noise, exacerbated by the proposed variations to the liquor licence red line plan and hours of operation.
**Car Parking**

As to the waiver of car parking sought, the Officer Report highlights two important points.

Firstly, the applicant’s own assessment is that 29% of patrons will drive to the proposal. The applicant is seeking permission for a maximum of 220 patrons. Therefore, the 100% car parking waiver sought for the statutory requirement of car parks will, on the applicant’s own analysis, cause a much greater effective waiver due to the proposal attracting up to 64 patrons driving to the proposal at any given time.

Secondly, no travel mode analysis has been undertaken by the applicant beyond Saturday up to 4:00pm. As the proposal seeks permission for trading hours to extend to 9:30pm Monday to Wednesday, 11:00pm on Friday and Saturday and 10:00pm on Thursday and Sunday, there is no evidence before Councillors as to patron use of cars for a large proportion of the time the proposal will be trading and when cars might reasonably be expected to be more likely to be used.

Councillors are therefore without proper evidence to assess the appropriateness of the 100% car parking waiver and the applicant has failed to justify the 100% car parking waiver it seeks.

**Building Impacts**

As to unreasonable visual bulk, with respect, contrary to the Officer Report, we point out that merely comparing a point on the ridgeline of a relatively small area of gable roof to a much larger expanse of end to end parapet height, and which is in any case higher than the existing gable ridge line, is not an apples for apples comparison. As a matter of fact, the maximum height of the proposal is 6.29 metres, not 5.97 metres as stated in the Officer Report. More importantly, the combined effect of the considerably increased building footprint, its effective two storey height for a good proportion of that footprint, and its overall built form mass as it is perceived from the adjoining residentially zoned properties, results in unreasonable visual bulk.

As to the loss of view issue, with respect, the point made in the Officer Report that there is ‘no right to a view’ is only half the story. The Objectors do have a ‘right to a view’ to the extent that such view forms part of the existing amenity of a property and where its loss is detrimental to the amenity of the property, particularly a primary coastal or bay view, or where the loss could be minimised or avoided by amending the proposal. In this case, we note that the mezzanine level is storage, which is not a use that could reasonably be said to justify the additional height and off-site amenity impacts it will cause and that could otherwise be located on-grade or in basement.

**Amenity Impacts**

As to the off-site amenity impact of patron noise, we repeat what we said in the Objection, that the outdoor decking can accommodate in the order of 80-100 patrons within the liquor licence red-line, and more if considering the north decking outside the red-line. There is no evidence that patrons outside the red-line, waiting for a table or not drinking, will not cause unreasonable off-site amenity impacts in the form of noise, or less noise, than those patrons just inside the red-line. Contrary to the assertions in the Officer Report, there is no evidence that noise generated on the western decking will not cause unreasonable noise affecting the residential land immediately to the east or the north. The acoustic report provided by the applicant provided no analysis of these issues.
An Informed Decision?

As with car parking, the applicant has not provided sufficient analysis, appropriate justification or proper evidentiary basis upon which Councillors can make an informed decision in respect of the off-site noise impacts that will be caused by the proposal.

As to waste collection management, this issue is yet to be adequately addressed. Waste collection will cause unreasonable off-site amenity impacts to adjoining residential properties in the form of noise and at unseasonable times.

Recent Decisions

For completeness, we note that two recent decisions of the Victorian Civil and Administrative Tribunal (‘Tribunal’) have considered the use of other land in Brighton and whether that land was proposed to be used as ‘a place of public resort or recreation’, consistent with section 483 of the Local Government Act 1874 and the Brighton Land Vesting Act 1877, which vested the relevant land in Council.¹ We observe that these decisions relate to different uses than those considered here.

Conclusion

We thank Councillors for their consideration in respect of the matters raised by the Objectors.

Please contact Andrew Iser on 8626 9025 – (email: iser@pppartners.com.au) if we can be of further assistance in respect of this correspondence.

Yours faithfully

MARK NAUGHTON
Planning & Property Partners Pty Ltd
8. Ms Alison Joseph (O)

Submission to Bayside City Council 11 August 2020 – Alison Joseph

I oppose the granting of the planning permit for the development of 2B North Rd for the following reasons:

1. The Council has claimed that by the agreement with SAME Pty Ltd it is obtaining a $2,000,000 building for “free”. This is not the case. As pointed out by Councillor Heffernan on the 7th May last year:

   “The current tenants’ proposal is financially attractive to Council as it alleviates the need to use ratepayer funds to replace the building. It is fitting that the tenants are compensated with a long term lease in exchange for their financial outlay.”

As acknowledged by Cr. Heffernan, the Council is paying for the building through providing a long-term lease. This type of arrangement (ie a ground lease with an obligation to build) has been recognized by the Australia Taxation Office as an exchange for consideration:

   11. Where the terms of the development lease arrangement makes the supply of the land subject to or conditional on the developer completing specified development works, supply of the land by the government agency is consideration for the developer’s supply of development services. The supply of development services by the developer is, in turn, consideration for the supply of land by the government agency.”

(GSTR 2015/2)

In various documents Council has stated that the current rental for the property is approximately $140,000 per annum. Under the new agreement the rental amount (as stated in the public notice of 15 May 2019) will be a minimum of $50,000. This is a reduction of up to $90,000 per year over 21 years (or a total of $1.89 million). As the Council is purchasing building services for the construction of a $2,000,000 building, a tender process is required. By pursuing the arrangements with SAME Pty Ltd, without the tender process having been conducted, Council is acting in breach of s186 and s186A of the Local Government Act (1989).

2. In addition, the Council is entering into a profit-sharing arrangement with SAME Pty Ltd, contrary to Section 193 5G of the LGA:

   s193 Entrepreneurial powers

   (f) enter into partnership or into any arrangement for sharing of profits, union of interest, co-operation, joint venture,
reciprocal concession or otherwise, with any person or corporation

carrying on or engaged in, or about to carry on or engage in, any
business or transaction capable of being conducted so as to
directly or indirectly benefit the Council.

(5G) Before a Council does anything under subsection (1) that
would include participation in the formation or operation of, or
any partnership, arrangement or venture with, an entity which would
have the power to borrow money in its own right, the Council must
obtain the approval of the Minister."

SAME Pty Ltd can borrow money in its own right, including the potential for using the lease
of public land and the right to build as security for any loan. The approval of the Minister is
required.

3. By issuing a planning permit to SAME Pty Ltd the Council will be granting a monopoly right
to develop the land, without a tender process having been conducted. There has been no
explanation as to why SAME Pty Ltd, a catering company, has been selected for a
$2,000,000 construction project involving the construction of both a restaurant and a public
toilet block.

4. The Council has failed to address concerns surrounding the 3 freehold titles issued over the
Brighton Foreshore Reserve. In the 1990’s the Department of Conservation confirmed with
the Council that the land was Crown land, as the “vesting” of land does not preclude Crown
ownership. In mid-2017 this Crown land was “converted” under the general law conversion
provisions of the Transfer of Land Act, despite the Transfer of Land Act not applying to
Crown land. As the provisional folios issued to the Council have been issued contrary to
law, the Council is obliged to advise the Registrar of Titles of this “mistake”.

5. What has been issued to the Council are provisional folios that are subject to subsisting
interests and are not guaranteed as to dimensions. The dimensions mentioned in the
provisional folios refer to the general law title. The Council acknowledged in 2015 that it
never had a title to the Brighton Foreshore Reserve, either under the general law or Torrens
system. The provisional folios are not indefeasible and potentially null and void.

6. I nominated (on 29/6) the Northpoint Café building as being of local heritage significance. It
was designed by the architects Schreiber & Jorgensen in 1922. It is likely that Justus
Jorgensen was involved in the design, given that his brother (Ole) did not qualify as an
architect until 1928. Justus Jorgensen is better known as an artist and for the design of
Montsalvat in Eltham. The Jorgensons were notable Brighton residents. The building is an
exceptional example of an early 20th Century lifesaving club building and is of local
significance due to its association with the development of the lifesaving movement and
beach culture. I have not been informed by the Council of the outcome of the nomination for
local heritage protection or whether it has undertaken any form of heritage assessment. I
would also question why there is no Vegetation Protection Overlay applicable to the property
or other overlay protecting the historic ti-tree on the site.
9. Mr Simon Martin (A)

Dear Councillors,

Written Submission to Planning & Amenity Committee
2b North Road, Brighton (Item 4.2)
Planning Application No. 2020/106/1

Ratio Consultants Pty Ltd continues to act on behalf of the permit applicant, ‘Same Pty Ltd’ in the above matter.

Councillors, this is an application that you will be familiar with, noting the ongoing discussions our client has had with Council over an extended period of 18+ months around the redevelopment of the site.

At the Ordinary meeting of Council on 23 April 2019, Council determined to provide ‘Landlord Consent’ for the tenant (our client) to apply for a planning permit to rebuild the existing ‘North Point Café’ and to apply for licensed hours. Subsequently, at the Ordinary meeting of Council on 19 November 2019, Council determined to grant permission for a 21 year lease to be executed.

Following this lengthy consultation and pre-lodgement period, our client lodged an application for the construction of buildings and works associated with the new café building and public toilets in March 2020.

Over the last five months, our client has continued to engage with Council officers and objector parties. These ongoing discussions have resulted in an officer’s recommendation of support subject to recommended permit conditions. This recommendation is based on the following:

— The application being supported by both State and Local Planning Policy of the Bayside Planning Scheme.
— The Zone and Overlay controls all being supportive of the application.
— The extensive and detailed application material lodged in support of the application.
— All internal referral departments – i.e. open space arborist; drainage assets engineer; biodiversity and conservation officer; social planner and traffic engineer providing no objection to the application subject to conditions.
— All external referral departments – i.e. Melbourne Water and VicRoads providing no objection to the application subject to conditions.

With respect to the 17 x objections lodged in response of the application, amended plans were submitted with Council which sought to resolve concerns relating to ‘height’ and the ‘visual prominence’ of the proposed new building.

It is considered that the amended plans appropriately respond to these specific concerns raised by objectors.

The amended application will result in a built form and future land use outcome which provides a “net community benefit” to the site and broader foreshore area. This will be achieved by upgrading a valued commercial premises (North Point Café) that currently services the needs of the local and broader community. The application will further facilitate the upgrade and improvement of public infrastructure in the form of providing new public DDA compliant toilets and upgrade works to the public domain and associated footpaths (see indicative render images below).

We take this opportunity to endorse the application and the hard-work shown by our client over an extended period. Whilst a number of objections have been lodged against the granting of the permit, we highlight significant community support for our clients plans, which includes a loyal and long-standing local customer base.
On the basis of the above, we respectfully request that Council resolves to support the grant of a permit in accordance with the officer’s recommendation hereby presented.

Thank you for the opportunity to address the Council prior to Tuesday’s meeting.

Yours sincerely,

Simon Martin
Director
Ratio Consultants Pty Ltd

Figure 1:
Perspective view of the proposed new café building (indicative northern façade fronting North Road).
Figure 2:
Perspective view of the proposed new café building and new public toilets (indicative western façade with outlook towards Port Phillip Bay).
Item 4.3

10-12 Foam Street, Hampton
Bayside Planning & Amenity Committee Meeting, 11 August 2020

Item 4.3: 10-12 Foam Street, Hampton (Planning Application Ref: 2019/307)

Dear Planning and Amenity Committee Chairman, Mayor and Councillors,

Tonight the Committee is being asked to consider whether to approve an application for planning permission for construction of a three storey apartment block at 10-12 Foam Street, Hampton.

In the event that you are minded to approve this application, Hampton Neighbourhood Association (HNA) urges you to condition any permit granted so as to ensure the retention of a significant oak tree on the boundary of the subject site and Alexander Park, which will otherwise be lost if the application proceeds in its current form. The suggested text of such a condition is provided below.

The applicant lodged a proposal to construct an apartment block on the subject site just over a year ago. HNA objected to the proposal at that time on a number of grounds, the foremost of these being the proposed removal of two significant trees:

- A Willow Myrtle on the south boundary of 12 Foam Street; and
- An Oak tree on the east boundary of 10 Foam Street, abutting and spreading over Alexander Park, a public park and recreation zone (PPRZ).

At that time, the application could not proceed, requiring an approved Cultural Heritage Management Plan before Council could accept lodgement. The applicant has now secured this and has lodged revised plans which the P&A Committee is now being asked to approve.

Revised plans have been made publicly available together with the agenda for tonight’s meeting. From these revised plans it is clear that while the applicant now proposes to retain the Willow Myrtle at 12 Foam Street, it still intends to cut down the Oak tree at 10 Foam Street which spreads over Alexander Park.

HNA strongly opposes the removal of this tree:

- It forms the centrepiece of the landscaping backdrop of Alexander Park, so that, contrary to the statement in the council officer’s report for the proposal that ‘the proposed removal of Tree 10 will not impact on the existing neighbourhood character unreasonably’, its removal will have a substantially
negative impact on the park’s landscape values. As such, its removal would be in direct contravention of the objectives of Standard B13 of Clause 55 of Bayside’s Planning Scheme.

- It provides significant amenity to park users during the summer and autumn months, through the significant shading it provides from the overhead and westerly sun.

- It provides further amenity to park users and the local community as a potential habitat for wildlife.

- It is a significant tree in its own right, with a trunk circumference greater than 155cm, and a height and spread of approx. 16m. According to the applicant’s own arborist report it has a long Safe Useful Life Expectancy and a high Worthiness of Retention rating. Whilst it is not included in the Bayside Register of Significant Trees, it is HNA’s understanding that it was not assessed for this purpose at the same time as two other trees on the subject site simply because Council arborists were not able to gain access to 10 Foam Street at the time.

Put simply, the removal of this significant tree would represent a major loss to the local community surrounding Alexander Park, including numerous families with small children, and to the broader Hampton community as a whole.

HNA therefore urges councillors to condition any permit granted for the applicant’s proposal to ensure retention of this significant tree. HNA proposes this instead of outright refusal of the applicant’s proposal, so as to offer the possibility of certainty to the community and the applicant; an appeal to VCAT by the applicant will doubtless reduce certainty for all parties.

In the event that the applicant appeals (to VCAT) a permit granted by Council appropriately conditioned to ensure retention of the oak tree, HNA further urges Council to engage highly qualified legal representation to act on this important matter on the community’s behalf.

Thank you.

Hampton Neighbourhood Association

**Suggested text of condition to permit:**

1. q) Retention of the oak tree at the rear of 10 Foam Street (identified as tree no. 10 in the arborist report for 10-12 Foam Street, Hampton, prepared by Galbraith & Associates, dated 16 April 2018), together with consequential plan amendments to provide sufficient deep soil volume to ensure its continuing good health, all to the satisfaction of the Responsible Authority. No pruning, lopping or removal of branches or reduction works of any kind to be performed on the tree without the written consent of the Responsible Authority. Tree management and protection measures to be employed before and during construction to the satisfaction of the Responsible Authority.
2. Dr Brian Anthonisz (O)
Bayside Planning and Amenity Committee
11 August 2020
10-12 Foam Street, Hampton
Agenda Item 4.3
Objection on behalf of Lucy and Brian Anthonisz (8 Foam Street)

Key concerns

- Loss of a significant English Oak tree at the rear
- Impacts of mass and bulk on the vegetated character and Alexander Park
- Overwhelming visual bulk, mass and overlooking to 8 Foam Street
- Lack of community consultation with plan amendments after advertising (a delay of some 10 months without Council advice)

Summary

Our clients reside in at 8 Foam Street next door to the subject site, perhaps the most impacted abuttal.

Of critical concern is the mass, bulk and scale which will unreasonably impact the rear yard and abutting Alexander Park. The proposed removal of the large **English Oak** to the rear of 10 Foam Street is the result of a flawed design response in a well vegetated, high amenity area. This tree is in good form with very high retention value due to its large size and long safe useful life expectancy. Its retention is very possible with modifications to the basement extent and increased rear setbacks.

Galbraith and Associates assessed the large English Oak as a healthy mature tree with a long useful life expectancy with no grounds stated for its removal. The same conclusion as the **Flowering Gum** proposed for retention. We submit both trees must be retained based on the back yard and open space abuttals.

The latest suggestion by the permit applicant to retain the **Willow Myrtle** in the frontage is of no benefit – it is a low retention value tree and has a short useful life expectancy.

The rear of the site has an unusual interface to both a Public Park and Recreation Zone and to a Neighbourhood Residential Zone further east beyond the park.
This is an important distinction to be drawn given many sites within the Hampton MAC enjoy a direct abuttal to land within the GRZ which is expected to be developed at a similar intensity. In this setting, the rear of the site is very exposed and abuts a green edge which is appreciated for its high amenity value as a local park and for its contribution to the neighbourhood beyond. It is a strong landscape setting, not a hard edged one as sought by the permit applicant.

So rather than a landscape character setting as shown below with the English Oak circled red, a 3 storey mass will result across 10-12 Foam Street at the rear facing Council’s Alexander Park:
A vegetated setting will be replaced with hard edges

Council’s planning recommendation as published states:
Council’s arborist recommends that the English Oak should be retained. It is suggested that it is healthy and that the basement layout would need reductions.

We submit that the facts are clear – the tree must be retained and the application refused, allowing redesign of the basement and levels above.

Whilst other 3 storey examples of approval exist throughout the locality, none of those examples have the unique qualities of Foam Street and the rear interface to the park and NRZ beyond to the east.

Put simply, the built form will be overbearing and has not achieved an acceptable balance between urban consolidation initiatives and character/amenity considerations. The permit applicant has taken a ‘carte blanche’ approach being in a ‘residential opportunity area’ and a disrespectful character response is the result.
We request that Council refuse the application on grounds relating to excessive bulk, mass and scale in the streetscape, against the backdrop of Alexander Park and due to unreasonable impacts on the neighbouring property at 8 Foam Street.
3. Mr Tino Karras (O)

1. **Failing of Due Process:** alterations from the original development were provided to council on the 3rd August 2020. Council town planners admitted an oversite in not forwarding these amendments to key stakeholders including Foam street residents. You therefore have not been privy to updates that may influence your objections. We believe this to be manifestly unfair. We suggest deferring Agenda 4.3 on Foam Street development for one month to allow objectors and the neighbourhood to review the amended development plans. In Victoria's current State of Disaster, we feel this is appropriate. We are all dealing with complex issues at the moment and asking us to review new development plans and provide an objection in the space of 3 to 4 days is not reasonable.

2. **Setbacks and privacy:** a significant component of our objection is the mandatory non-compliance of set-backs and lack of privacy screening contained within the proposed development drawings. The setback and privacy issue has negative impacts to not only the adjoining properties (Nos. 8 and 14), but will also significantly impact the privacy of the opposing 4 residences (9a, 1/11, 2/11, 1/13).

3. **Parking:** parking has been a problematic issue for the existing residents of Foam street which has been previously addressed by council. The plans of the proposed development is non-compliant insofar as it does not allow for any visitor parking. The street currently could not support any further parking demands from the addition of a medium density residential development of this nature. Should this development be approved, then we urge that all residents of the proposed development are not granted with street parking permits.

4. **Parkland (Alexander Park):** Alexander Park currently enjoys the benefits of neighbouring significant trees in No. 10 and 12 Foam Street. Should these trees be removed, this will result in a degradation of the vegetation contained within the park and will result in a loss of amenity to the thousands of Hampton residents currently using the facility.

5. **Tree Loss:** In addition to the significant negative impact tree loss would have on Alexander Park, this same loss of street greening would occur for Foam Street should the significant trees on the Foam street perimeter be removed. Not only would a lack of greening occur, but the additional loss of privacy and shading resulting from the significant trees would expose many of the residents on the western side of the proposed development to harsh loss of privacy as a result of the creation of new site lines.

6. **Amenity:** as a result of the abovementioned issues, the general amenity of Foam Street would evaporate should this planned development proceed. This will holistically negatively impact all property values within Foam Street in addition to their ratable values.
4. Dr Michael Daly (O)

Dear Councillors
My wife and I purchased in immediately adjacent Thomas Street ten years ago, attracted by the amenity provided by a neighbourhood of predominantly detached houses with generous gardens, rich in Edwardian/Federation character in generally quiet streets. The proposed three storey development at the consolidated 10-12 Foam Street properties does not at all fit in with this theme and will obliterate local amenity.

I also strongly object to the breakdown in Council Processes whereby alterations which were submitted by the developer to Council on the 3rd August 2020, have not been made available in time for consideration. Expecting that updated development plans can be adequately reviewed in four days is simply not realistic.

Given this issue, and the fact that a State of Disaster has been declared, I urge that Agenda item 4.3 on Foam Street development is *deferred* for one month to allow myself and objectors sufficient time to review the amended development plans.

In further detail and point form, I vigorously object to the proposed 10-12 Foam Street development because:

- **Parkland (Alexander Park):** Alexander Park currently enjoys the benefits of neighbouring significant trees in No. 10 and 12 Foam Street. Removal of these trees, as unnecessarily proposed, will significantly degrade park amenity.

- **Parking:** I understand that parking has been a chronic issue in Foam street. Increased car parking following increased dwelling density is likely to overflow into Thomas Street, which is already unnecessarily busy as a 'rat run' between Bluff Road and Hampton street. Will Council be addressing this issue?

- **Setbacks and privacy:** I am opposed to any developments in the area that sacrifice set-backs and privacy for the sake of quick developer profits, as of course is the case in the 10 - 12 Foam St proposal. I understand this will not only affect adjoining properties (Nos. 8 and 14 Foam St), but will also significantly impact the privacy of the opposing 4 residences (9a, 1/11, 2/11, 1/13).

- **Loss of trees:** Removal of trees will significantly and adversely impact on Foam Street, as it is a narrow and arguably fully-developed street which relies on tree cover for amenity, privacy and shading.

- **Amenity:** as a result of the above-mentioned issues, the general amenity of Foam Street would simply disintegrate should this planned development proceed.

Yours sincerely
Michael Daly
Thomas St
Hampton 3188
5. Ms Monica Kerlin (O)
9th August 2020

Dear Bayside Councilors,


Site Address: 10 -12 Foam St, Hampton

Further to my original objection of 22nd of September 2019, I am resubmitting my objections in relation to the proposed development at 10 and 12 Foam Street Hampton.

In particular I urge Councilors to retain all three large trees that will be impacted by the development.

The Willow Myrtle near the front boundary needs its Significant Tree Registration respected and must not be removed. It has already been inspected by arborists who differ in opinion to that of the developer’s arborist as to its health. It enhances the livability of the neighbourhood giving cooling shade to our growing heat bank as apartment blocks and paving replace homes surrounded by gardens. This tree will be a great asset to the residents of the proposed apartment block giving them screening and filtered western light. It also provides habitat for our native wildlife in the shrinking urban forest.

The English Oak in the rear of the proposed development is significant to the neighbourhood and Alexander Park. It will provide increased amenity to the future residents allowing morning sun through its deciduous branches in Winter and Spring. This tree should be retained and protected.

Nearly 50% of the root zones of both the English Oak and the Flowering Gum, both on the Developer’s removal list, would be within the adjacent Alexander Park. This is because root zones tend to follow tree canopies, which are visibly spread over Alexander Park to almost 50% of their total. This negates the Developer’s argument that the trees would not be viable if retained for the Development.

It is well recognised with our changing climate that we need to make an effort to preserve our urban forest. Retaining and protecting the Willow Myrtle, English Oak and Flowering Gum should be a priority in the planning of this development for the good of our neighbourhood as well as for the livability of the future residents of the proposed apartment block.

For these important reasons I urge that Councilors require retention of the described trees, in relation to this planning application.

Yours Sincerely

Monica Kerlin
Thomas St
6. Mr Chris Hardy (O)

In the absence of being able to present in person at this Planning and Amenity Council meeting, our 3 minute verbal comment would be as follows: We live directly opposite the proposed development and will be adversely impacted by the proposed unit development at 10-12 Foam Street. Despite the setbacks and car parking being non-compliant with regulations, there is significant loss of amenity, streetscape and greenery on both Foam Street and the Alexander Park at the rear of the properties. The car parking report submitted by the developer has been falsified because it has used photos taken over a weekend that do not represent the street during Mon-Fri business hours. The developer cannot build its proposed unit block without damaging the significant trees, and the setbacks proposed are not compliant to regulations. In particular for my home, both levels 2 and 3 of the proposed development will look directly into our yard, kitchen, living/dining room – we completely lose our privacy of which the town planner was unable to respond to when questioned.

The Council planning department have not followed due process in their submission to this Planning and Amenity Meeting. The developer submitted revised drawings and plans to the planning department on 4 July, and we as objectors were not privy to such revised plans existing until we pressured the planning department on 4 August. We were not provided sufficient time to review these new plans and requested this agenda item be deferred to the next month which was rejected for no reason. The developer has a large advantage over the residents of Foam Street at this Planning & Amenity meeting for 3 reasons – firstly we were only given 8 business days to assess what changes to proposed plans have been made which is incredibly difficult given most objectors work full time and are under working under adverse conditions during COVID19. Secondly, the Planning Department made no attempt to set up a meeting with the developer and objectors prior to this Committee meeting citing COVID restrictions, however a Skype/Teams session would have easily sufficed. And thirdly, this meeting would ordinarily be held in person and we would have the opportunity to speak in person for 3 minutes each outlining our objections. These three key points puts us at a disadvantage and gives the developer a large advantage to dismiss our valid objections.

Overall, I plead with the councillors to reject this application due to its non-compliance of setbacks, it’s non-compliance with car parking, it’s disregard for protected trees/streetscape/amenity, and for the Planning Department not allowing the objectors reasonable opportunity to participate.
To Whom it may concern,

I am writing to appeal the proposed development 10-12 Foam Street Hampton on the below grounds:

- Ethically the developers intend to destroy another part of bay side history and adding "another' over sized box! 10 and 12 Foam street are beautiful buildings and add to the wonderful street character

- The building backs onto the wonderful pocket park (Alexander Park) and jeopardises current and future flora and fauna. 10-12 has advanced trees that also heightens the experience of being in the park, I'm sure adding a 3 story building does anything to the character of the space at all?!

- Parking on Foam street is all ready problematic. Adding a lot more residences that need spill over parking will be ridiculous.
8. Mr Brad Muir(O)

Thank you for taking the time to read my objections as a concerned and impacted resident of Foam st. They are as follows:

1. Setbacks and privacy: a significant component of our objection is the mandatory non-compliance of setbacks and lack of privacy screening contained within the proposed development drawings. The setback and privacy issue has negative impacts to not only the adjoining properties (Nos. 8 and 14), but will also significantly impact the privacy of the opposing 4 residences (9a, 1/11, 2/11, 1/13).

2. Parking: parking has been a problematic issue for the existing residents of Foam street which has been previously addressed by council. The plans of the proposed development is non-compliant insofar as it does not allow for any visitor parking. The street currently could not support any further parking demands from the addition of a medium density residential development of this nature. Should this development be approved, then we urge that all residents of the proposed development are not granted with street parking permits.

3. Parkland (Alexander Park): Alexander Park currently enjoys the benefits of neighbouring significant trees in No. 10 and 12 Foam Street. Should these trees be removed, this will result in a degradation of the vegetation contained within the park and will result in a loss of amenity to the thousands of Hampton residents currently using the facility.

4. Tree Loss: In addition to the significant negative impact tree loss would have on Alexander Park, this same loss of street greening would occur for Foam Street should the significant trees on the Foam street perimeter be removed. Not only would a lack of greening occur, but the additional loss of privacy and shading resulting from the significant trees would expose many of the residents on the western side of the proposed development to harsh loss of privacy as a result of the creation of new site lines.

5. Amenity: as a result of the abovementioned issues, the general amenity of Foam Street would evaporate should this planned development proceed. This will holistically negatively impact all property values within Foam Street in addition to their ratable values.

6. Failing of Due Process: alterations from the original development were provided to council on the 3rd August 2020. Council town planners admitted an oversite in not forwarding these amendments to key stakeholders including Foam street residents. You therefore have not been privy to updates that may influence your objections. We believe this to be manifestly unfair. We suggest deferring Agenda 4.3 on Foam Street development for one month to allow objectors and the neighbourhood to review the amended development plans. In Victoria's current State of Disaster, we feel this is appropriate. We are all dealing with complex issues at the moment and asking us to review new development plans and provide an objection in the space of 3 to 4 days is not reasonable.
9. Mr Tim Cassidy (O)

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10. Mr Richard Smith (O)

I wish to object to the proposed granting of a permit for 3-storey development at 10-12 Foam St. Several aspects of the proposal are troubling which I don't believe have been satisfactorily dealt with in the officer report.

As the Planning Scheme points out, developments are expected to comply with amenity standards. This proposal doesn't comply, and according to the report, it still wouldn't comply under the proposed conditions. For each non-compliance there isn't an alternative design solution, something that the Planning Scheme indicates is required in order to consider waiving compliance.

I remain concerned about the overshadowing of our communal open space and of my habitable front room window. There is a condition requiring plans to be redrawn to the satisfaction of the responsible authority but that doesn't mean the end result will comply with the relevant Amenity Standards. Stronger protection is required.

I am very unhappy at the waiver of statutory visitor parking. I'd oppose it even if it was within the magic 500m green bubble of the PPTN. Other Councils are grappling with the challenge of making roads safer for cyclists and a key impediment is on-street parking. We need plans and strategies to reduce the reliance on on-street parking, not encourage it as proposed. I didn't support the State Government's unilateral imposition of the change to remove visitor parking requirement and note that it lacked strategic justification and was not subject to public scrutiny before being imposed.

The report was dismissive of the fact the subject land is outside of the PPTN area, and further argues the proposal shouldn't have to meet its own parking needs. It argues the future occupants and their visitors are more likely to leave their cars at home. That increases demand for parking, and relying on on-street parking is contrary to other Council policies. It is ultimately unsustainable.

Nor is it appropriate to consider one development in isolation. There is still a need to consider the long-term and cumulative impacts of each decision. I didn't see in the report an assessment of what is expected to happen if all high-density and higher-densty developments in the future are granted waivers consistent with the officer recommendation. The State Government will never provide public transport to all places and at all times the public needs. We need more nuanced analysis than simply pointing out there's a train 600m away, let alone a circuitous bus.

Arguments about whether a site is in or is outside of the Hampton Major Activity Centre and therefore whether it is acceptable to compromise amenity standards are politically sensitive. Major Activity Centres are actually a just list of suburb names that appear in an appendix of Plan Melbourne 2017-2050. There was originally an intention to use GRZ for most residential development. That became politically toxic, so NRZ became the defacto zone, and residents zoned GRZ, RGZ and MUZ were expected to put up with a deterioration of their own amenity to compensate. This is utterly inconsistent with the Fairness objective of planning in Victoria.

Now the proposal is seeking to reduce further the amenity of residents in GRZ below even the minimum standards that the government has decided are unacceptable for people in NRZ. There is an opportunity for Council to specify different standards through Schedules to the zones and it would be preferable for that to state Council's actual minimum standards rather than Council being asked on an ad-hoc basis to waive compliance.

If the decision is to grant a permit, please ensure the conditions are such that the development complies with the amenity standards that most residents expect for themselves.
11. Ms Christine Weber (O)

Please find below my objections

Tree concern:
The new plans indicate a change by retaining both significant trees (Willow Myrtle and Red Gum tree), from formerly only retaining one of the two significant trees (Red Gum tree). However it is my opinion that this amendment isn’t an real attempt to maintain the Willow Myrtle tree, as the actual building has not been modified at all (current plans Rev. C - compared to the initial plans) to accomodate the retainment of that tree. If you look at the plans and the location and size of the Willow Myrtle tree it is obvious that the building mass overlaps the tree. As we were given such short notice (receiving the plans on 03.08 and the planning meeting being held 11.08) it was impossible to involve an arborist and receive a qualified report regarding revised plans and tree retention. This tree is very significant for me in particular (it is located right on the boundary to my property) as it offers a significant amount of shade for my unit from the afternoon sun.

Tree loss and Parkland (Alexander Park):
In addition I would like to bring to your attention to the tree loss of large English Oak which is located on the boundary of Alexander Park (on the east side of property 10 Foam Street). The revised plan will not retain this tree. This tree contributes significantly to the landscape of Alexander park and provides shape and habitat for native wildlife. This tree is a large specimen that exhibits good health and fair structure and that has a long useful life expectancy. Living in an urban area with natural environments promotes psychological restoration, improves mood, improves attention and reduces stress and anxiety. This tree contributes to that and is valued by me and other local residents who use Alexander Park.

Parking:
Further the development’s parking allowance does not conform to the minimum standards of the Planning Scheme and should provide the 3 visitor parking spaces as per the planning scheme rates. The street currently could not support any further parking demands from the addition of a medium density residential development of this nature. Should this development be approved, then we urge that all residents of the proposed development are not granted with street parking permits.

Setbacks and privacy:
The side windows as documented on both the northern and southern elevations on Apts numbers: 1.01, 1.02, 1.02, 1.05, 1.06 do not conform to the clause 55/B22 standard and will need privacy screening as per the typical TP-302 detail. We did an accurate measure of the applicants plans and the windows fall well below the 9m threshold to be unscreened.

Failing of due process:
After the initial application process last year we were informed by Ziqi Xi (Principal Statutory Planner, Bayside City Council) in October 2019 that Council could not consider the application on the basis of the CHMP requirement. On 28.07.2020 we were notified by Bayside City Council about the next Planning and Committee meeting, with the opportunity to lodge a written statement instead of the usual “Request to be heard” process due to COVID-19.

One of our neighbours followed up with Bayside City Council and we managed to have a 30 minute meeting with Matthew Cripps, Ziqi Qi and Marcus on the 3rd August 2020. During that
meeting it was bought to our attention that plans had been altered next to adding the CHMP to achieve Council approval. Without the meeting initiated by us we would have not been aware of such critical changes. As we are currently experiencing a State of Disaster I feel disadvantaged to respond to the development appropriately on many levels.
12. Mr Peter Boustead (O)

1. Setback and privacy - The non compliance with mandatory set-backs and privacy screening will adversely and severely affect privacy for the residents at 8, 9 11 and 14 Foam Street. I have serious concerns the plans to not adequately cover the privacy and overlooking of all neighbouring residents.

2. Parking - The plans are non compliant for the size of the development. The Street currently becomes congested during normal times with cars parked on both sides and the street being used as a thoroughfare. Any additional Street parking will only add to this dangerous situation which the Council By-Laws officers fail to regulate.

3. Amenity - Whilst an increase in the density of residential development is a given the size of this development will severely impact on the character of the street and overall enjoyment being available to Foam Street residents. This development is totally out of character for the Street.

4. I am advised that amendments to the development plans were provided to Council on August 3, 2020 and not forwarded to key stakeholders including residents of Foam Street. This has resulted in a reduced timeframe being available for amended plans to be reviewed and objections lodged. This agenda item should be deferred to allow a reasonable time for review and consideration of the amended development plans by interested parties.

13. Dr Mark Matthiesson (O)

Objection to Foam Street Hampton Development
1. Effects on the adjacent Alexander Street Park in particular trees of significance at the properties which will be removed
2. Lack of any visitor parking. Parking is already an issue in Foam Street
3. Scale of project out of proportion to neighbouring residences
4. Likelihood of decreased privacy of surrounding residences
5. Flurry of similar sized developments currently underway in neighborhood
6. Lack of due process re amendments not being made public until August 3

14. Mr Chris Mack (O)

MY OBJECTIONS BELOW ARE HEAD POINTS AND SHOULD BE VIEWED AS IDENTICAL TO OTHER OBJECTOR "Brian Anthonisz" As your system would not allow me to upload my Objections in Full.
1. Setback and Privacy
2. Parking
3. Parkland (Alexander Park)
4. Tree Loss
5. Amenity
Dear Councillors,

APPLICATION NO: 5/2019/301/1 - 10-12 FOAM STREET HAMPTON

Thank you for the opportunity to make this submission on behalf of the permit applicant with respect to the proposed development of a three-storey building containing 16 dwellings on the land at No. 10-12 Foam Street, Hampton.

With respect to the proposed development we submit that the proposed development represents an appropriate response to the relevant considerations of the Bayside Planning Scheme that apply to this site, as summarised below:

- General Residential Zone – Schedule 2 (Moderate Residential Growth Areas)
- Design and Development Overlay – Schedule 12 (Build Form Standards for Hampton Street Major Activity Centre)
- Development Contributions Plan Overlay (Bayside Drainage Development Contributions Plan)

We submit that the proposed development is of a very high quality and has been carefully designed by Carr Architecture to meet the key relevant Standards that apply including:

- Site Coverage
- Side and Rear Setbacks
- Building Height
- Permeability
- Garden Area
- Private Open Space
- Overshadowing

With respect to the response to the key concerns raised by the Objectors in relation to this proposal we provide the following information for your consideration, incorporating key elements of Council Officers detailed report:

NATIVE VEGETATION AND SIGNIFICANT TREES

We confirm that through the application process, the proposed development has undergone design changes in order to retain the trees located within Bayside’s Significant Tree Register. We are pleased to confirm that the design before Council retains both the Willow Myrtle (Tree 3) and the Red Flowering Gum (Tree 7).

It is noted that the Council Officer’s Report supports the removal of Tree 10:

“The proposed removal of Tree 10 will not impact on the existing neighbourhood character unreasonably and subject to appropriate replacement plantings to be proposed through conditions at the similar location, these plantings will provide an attractive and functional environment for future residents.”
OVERDEVELOPMENT

The concern was raised by some objectors that the proposal represents an overdevelopment of the site. As noted within the Officer recommendation, there is strong policy support within the Bayside Planning Scheme for high density development at this location.

In our review, the proposed development represents an excellent response to the Hampton Street Major Activity Centre, which seeks to provide for increased housing density on a consolidated site. The proposed intensification of housing on the site directly responds to Policy support for increased density and diversification of housing in this key location and is not considered an overdevelopment of the site.

The proposed development delivers a high-quality architectural design by Carr Architecture that will make a positive contribution to the desired future character of the area where this form of development is encouraged to support the Major Activity Centre.

Also noted within the Officer Report, we submit that the proposal contains generous landscaping, including the retention and incorporation of two significant trees into the development to soften the appearance of built form when viewed from Foam Street and surrounding properties.

To this end, the Council Officer’s Report notes that the proposed development represents that ‘an appropriate level of compliance has been achieved with the preferred future character statement and precinct guidelines.’ The Officers Report also outlines that ‘The building contains good levels of articulation and would not unreasonably overwhelm any of the adjacent properties.’

Please refer to the render prepared by Carr Architecture at Figure 1 to better understand the proposed developments’ integration with the streetscape and surrounds.

COMPLIANCE WITH DDO12 AND RESCODE

We confirm that the proposed development achieves a high level of compliance with the design requirements outlined within DDO12 and ResCode. The proposal represents a high-quality architectural response to built form requirements. Please refer to Figure 2 for further detail regarding design compliance. We also confirm that the site is located within the area denoted as part of the Hampton Street Major Activity Centre.

Concerns were raised by some objectors regarding the variation sought in relation to the front setback Standard B6. As noted within the Officer Report, we submit that the proposed front setback provides an appropriate transition between the southern and northern neighbours. The proposed staggered setbacks present a superior outcome as compared to matching the required 8.4m setback and makes efficient use of the site.

Please refer to the render prepared by Carr Architecture at Figures 3 and 4 to better understand the proposed developments’ presentation to Foam Street.
Figure 1 Render – Foam Street facing east
Source: Carr Architecture

Figure 2 Section DD – ResCode, DDO12 and Building Height Compliance
Source: Carr Architecture
Figure 3 Render – Foam Street facing south
Source: Carr Architecture

Figure 4 Render – Foam Street facing north
Source: Carr Architecture
CAR PARKING PROVISIONS
The proposed development provides 30 car parking spaces within the basement level, which satisfies the statutory car parking requirement for residents of the development.

A waiver to the car parking requirements is only sought for three (3) visitor spaces. As outlined in the Traffic Report prepared by Traffix, it is noted that the proposed reconfiguration of crossovers to the site will result in the addition on an on-street car parking space for use by the public, partially offsetting the demand of the proposal.

As outlined in the Officers Report, Council’s Traffic Engineers are supportive of the shortfall in visitor parking. We submit that the site’s proximity to public transport networks and the PPTN allow the site to be well serviced by alternative transport options. We also note that difficulties with providing visitor car parking within a secure basement, and car parking occupancy surveys indicating on-street parking availability, further support the waiver of visitor spaces.

Should Council consider the provision of visitor parking onsite be necessary, the permit applicant would request that a suitable planning permit condition be applied that required number of visitor spaces in 52.06 be provided onsite. This would be achieved by providing stackers for resident use vacating at grade spaces for 3 visitors within the basement.

CONCLUSION
Thank you for the opportunity to make this submission for the Council Meeting. In summary, we support the recommendation of the Council Officer and the Conditions within the permit and request that you support their recommendation this evening.

If you have any questions, please don’t hesitate to contact me on 03 8663 4893.

Yours sincerely,

Mick Meyer
Associate Director
mmeyer@urbis.com.au
Item 4.4

28-34 Service Street, Hampton
1. Dr Vladimir Panjkovic (O)

Application No. 5/2019/662/1

PROPOSED DEVELOPMENT AT 28-34 SERVICE ST, HAMPTON

OBJECTOR: Dr Vladimir Panjkovic

OBJECTIONS:

1. Despite being fully aware of the regulations, the developer is wilfully ignoring them. Approving such a non-compliant proposal would create a dangerous precedent. The issues are:
   a) Lift overrun is by more than a metre above the maximum allowed height.
   b) Setback at the north of 7 m is non-compliant by a metre.
   c) There should be one visitors car park space per 5 dwellings, hence here must be 8, given there are 39 dwellings. It is claimed in the Development Plan there are 8, but since 2 of them are charging stations for electrical cars, there are only 6 really available to visitors.

2. Sustainability Management Plan does not specify the expected level of the noise pollution over the neighbourhood area, which will be enormous, given that on the roof there will be two rooftop pools, a large battery of HVAC, plus pool pumps and ancillaries.

3. Sustainability Management Plan does not specify the opening hours of the rooftop and private pools that will be sources of enormous noise and light pollution.

4. Analysis of the impact on local traffic in Traffic Management Plan in Sec. 4.5 is inadequate:
   a) It was not based on any observations, but on unverified and inaccurate assumptions. The pre-virus congestion on the corner with Hampton Street and on the nearest set of traffic lights (Willis St/Hampton St) is simply ignored.
   b) Traffic Management Plan used non-peak times to assess the availability of parking on Service Street, painting very unrealistic picture (Sec. 3.3).

5. There are 5 non-compliant dwellings identified in Town Planning Report (Sec. 4.5.1).

6. BESS Report is inadequate; (a) Graph in p.3 is empty, (b) Good many tasks are incomplete (pp. 25-26), (c) Proposed electricity consumption of 5 kWh daily sounds unrealistic, (d) Calculations of water consumption in p. 10 are incorrect.

7. Sustainability Plan does not outline what regulations will be followed for the removal of asbestos detected during excavations within Cultural Heritage Management Plan.

8. The probability of failure of similar developments that ended up as eyesores in Hampton, over the past eight years, must be around 20 %, and will be worse now.
2. Mr Peter Armstrong (O)

Witten statement regarding objection to Planning Application number 5/2019/662/1 at 28 to 34 Service Street Hampton 3188

Objectors and statement providers: Peter Armstrong and Mandy Went of 39 Service Street Hampton 3188

The reasons for our objection to the planning application number 5/2019/662/1 and the proposed redevelopment of 28 to 34 Service Hampton (the Site) are, but are not limited to, the proposed development;

1. Demolishes 4 high quality heritage type properties in Service Street and the Hampton Precinct;
2. Significant mature trees and vegetation will have to be removed/demolished to enable the development on the Site which will lead to a significant adverse impact to existing bird and other wildlife that reside/nest or visit these trees;
3. The proposed development of 40 apartments (mixture of 2 and 3 bedroom apartments) on the Site is extremely excessive (visual bulk and is proposed to be built at greater than 12 metres above ground level) and would result in an estimated 120-150 residents (plus visitors) residing in an residential street/area (28 to 34 Service Street) that currently is occupied by less than 15 residents;
4. The proposed development provides insufficient car parking for the proposed residents and their visitors and will have an adverse effect to vehicle traffic in Service Street (a residential street);
5. No parking controls have been proposed in the application to require owners to park within the proposed basement car parking areas. The parking occurrence at similar type apartment developments in Hampton is for the apartment residents to mainly park on-street and occasionally park in the basement areas. Parking in Service Street (and other adjoining streets) is already fully utilised by train commuters or Hampton retail workers, therefore there is insufficient on-street parking for residents of the proposed development;
6. An excessive development of this nature would require a substantial construction management plan be prepared and agreed with impacted parties (e.g. agreed working hours, what time deliveries/building supplies can arrive at site, traffic management and how the street damage is managed and so on). As a resident we have significantly disrupted by nearby developments having trucks arrive at 6.00 am or late in the evening, trades people working 7 days a week, from early to late hours as well as destruction (by heavy vehicles) to street roundabouts, gutters and storm water pits etc.
7. Having major recreational areas on the roof top areas (swimming pools, BBQ and general recreational areas) will create noise attenuation issues (whilst parties, events and gatherings are occurring) and is proposed to be built at a height of greater than 12 metres from street level.

In summary, the proposed development is excessive (in apartment numbers and height), will remove substantial mature trees and fauna, will cause significant adverse traffic impacts in a residential street and will see the demolition of 4 beautiful period homes (removing more of Hampton’s heritage) and the development is not sympathetic or complimentary (actually stark contrast) to the Service Street and surrounds heritage/envirion.
3. **Mr Stephen Hill (O)**

I make this submission as a strong objection to the proposed development in Service Street for the following reasons:

1. Service St cannot handle the additional traffic load due to this over development. Service street is already a rat run for vehicles travelling from Highett to Hampton. Further the three roundabouts already established in the st attest to the over usage of the street. With the Council's planned carpark development in the street plus this applications extra car loading access to Hampton st will be a complete bottleneck and a danger at the railway crossing.

2. The planned development will destroy the integrity of the streetscape.

3. The planned development is opposite heritage listed homes and hence detract from the areas character.

4. Sighting what has happened in Crisp street with the over development of similar units Council needs to make a stand and restrict unit developments in residential areas to ensure that the peaceful occupation by existing owners is maintained and not unduly destroyed.

5. The planned development will require the destruction of many established trees which is contrary to Council's strict policy of tree preservation.

6. Street parking during daytime and night time is already heavily utilised and the addition of 39 units replacing 4 houses will only exasperate the problem.

7. If the development is to proceed then Council must require the developer to maintain the existing street scape - as is done in the inner suburbs with 'facade ism' of the existing structures.
4. Mrs Cicely Findlay (O)

REQUEST TO BE HEARD AT THE BAYSIDE COUNCIL PLANNING AND AMENITY COMMITTEE MEETING –
TUESDAY 11TH AUGUST 2020

Agenda Item Number: 4.4

Item Name: 28-34 Service Street, Hampton. Support the Grant of a Permit Application Number: 2019/662/1.
Ward: Central

Objectors: Cicely and Michael Findlay, 2/24 Service Street, Hampton 3188.

Proximity to Site: Our house is one of four on the parcel of land adjoining the western side of the proposed
development.

Introduction: We moved from South Australia in April 2014, having chosen to live in Hampton rather than a
built-up inner urban area where the population density makes life more stressful, noisy and intrusive. We saw
Hampton as a suburb where heritage buildings and established gardens were valued, along with a respect for
the natural environment. Then, high-density development generally seemed to be restricted appropriately to
main roads and immediately adjacent to the railway station, apart from an intrusive three-storey development
behind us in Crisp Street, the impact of which impels us to resist the introduction of a development covering
twice that area.

How this proposal will affect us:

- As the site slopes upward from our property, the visual bulk of the building will loom over our house and
courtyard, obstructing precious morning light, particularly in winter.
- The back-yard character of the existing houses which currently provides us with views of a natural
environment will be replaced by bland facades and windows which have the potential to overlook our
windows, especially in our upstairs bedroom and living area. Very little vegetation will replace the
gardens that will be lost.
- Noise and overlooking from the proposed roof recreation area incorporating swimming pools and
barbecue areas will be intrusive and deprive us of our right to peaceful enjoyment of our property. This
already happens with noise from balconies at the afore-mentioned Crisp Street development, even
without a swimming pool to increase the numbers of people gathered together.
- The sound from roof-mounted air-conditioning units will add to the noise level, yet another experience
from the Crisp Street building.
- Traffic volume will increase dramatically in a street which is already busy. Owing to the topography of
Service Street, it is at present fairly hazardous to emerge from our driveway as cars speed down past the
Gilles Street intersection towards Hampton Street. Parked cars add to the problem as they impede the
view of traffic coming from an easterly direction.
- Parking is already at a premium in the street due to the proximity of Hampton Station. The southern side
is controlled to deter commuters but as many residents hold parking permits, this space is also often full.
It is unreasonable to assume that visitors to the proposed development will always make use of spaces
in the proposed underground car park.
- We have already experienced the considerable and long-term impact of a single house being re-
developed opposite us in Service Street, so the demolition of four properties and subsequent
excavations and construction of the proposed apartment block, which is even nearer to our house, will
have a vastly greater and longer effect on us, leading to considerable stress.
Grounds for Objection

- The proposed development does not sufficiently address the existing valued character of the neighbourhood.
- The architectural style of the proposed development does not appropriately reference the surrounding dwellings.
- The streetscape response to Service Street is insufficiently consistent with the character of the area.
- The size and scale of the development is out of context with the residential pattern of development in this location.
- The visual bulk and scale of the proposal is exacerbated by the fall of the land.
- The overall height of the proposal is excessive.
- The building is too close to the side and rear boundaries, thereby creating noise and privacy issues, especially as the scheme does not meet minimum standards for building setbacks.
- The proposed level of landscaping on the site is inadequate to soften the appearance of the building.
- The extensive removal of existing vegetation on the site is a sign of an inappropriate design response.
- The proposal is an overdevelopment. This is reaffirmed by the Inability to meet minimum standards of Rescode and BADS. It results in unreasonable amenity impacts for both surrounding and future residents, as confirmed in the Urbis report prepared by the Applicant.
- Traffic and parking impacts associated with the scale of the proposal will exacerbate existing problems in this busy location.

Conclusion:

We strongly object to this proposal which will vastly change the character of our residential street and reduce the amenity which we currently enjoy. At present Service Street is blessed with a significant number of elegant period houses, a significant percentage of which will disappear with the proposed demolition of the dwellings on the site. The existing attractive houses are all well maintained and have well established gardens which help to cool the environment, add to the oxygen level and allow rainfall to augment the water table, thereby assisting the survival of large trees and other gardens in the surrounding area. Residents of Service Street have also reported sightings of rare and endangered species of birds roosting and nesting in the vicinity which will be adversely affected by significant loss of habitat.

The proposed development will have a considerable negative impact on our property as detailed above and will introduce an intolerable level of stress and discomfort both during the construction period and potentially after the building is occupied.

Our Petition to the Bayside Council and its Planning and Amenity Committee:

We ask the Planning and Amenity Committee to issue a “Notice of Decision to Refuse to Grant a Permit” to the proposed development application.

We also ask Bayside Council to resolve to provide legal representation to defend such decision at the VCAT Hearing on November 23, 2020.
5. Mr Robert Kay (O)

To Bayside City Council Planning and Amenity Meeting.

Request to be Heard.

Planning Meeting: 11th August 2020 @ 5.00PM  Agenda Item: 4.4
Item Name: 28-34 Service Street Hampton.
Objectors Robert A. Kay & Cheryl F. Kay of 1/24 Service Street Hampton 3188.
Site Proximity Townhouse in the complex 24-26 Service Street Hampton 3188, that abuts the Western boundary of the proposed site.

Preamble

We are both retirees and the joint the owners of Unit 1, 24 Service Street Hampton. Following our retirement, we moved to Hampton from country New South Wales in 2008.

Cheryl was born in Melbourne and lived in the Black Rock/Beaumaris area until she was a teenager, when her family moved to Queensland. After we both retired, Cheryl wished to return to her Bayside “roots”, not only for sentimental reasons and to be close to other family members living in the district, but because of the village character in this part of Bayside.

We chose our townhouse as it was within easy walking distance of Port Philip Bay, Hampton Station, Hampton Street’s shopping area and many restaurants. The deciding factor was that Service Street was a quiet, leafy, residential street with a friendly neighbourhood atmosphere.

The street comprised, and to date, comprises a mixture of stand-alone houses set in generous gardens that are complimented by a large number of mature native trees with broad canopies. These trees attract and support a number of native bird species and animals.

We are increasingly alarmed that the intrinsic charm of this neighbourhood has been deleteriously affected by the construction of several large unit complexes in our neighbourhood. They dominate their respective streetscapes and have led to the removal of a large number of mature trees. These trees have not been replaced by like species, or by trees that will grow to a comparable size, or have spreading canopies. Their gardens are restricted to token green areas on the street frontage and tend to have homogeneous layouts.
The Site

The proposed development is located towards the eastern edge of the area of Hampton Street Major Activity Centre Built Form Precincts DDO12. It is several hundred metres from Hampton Street, and from the railway line to the South. Importantly, the site is located towards the top of a fairly steep gradient hill upon which part of Service Street lies. The proposed development, unlike those in Gillies Street referenced by the Town Planning Report lodged by the Developer, will be elevated and by its nature and mass, will dominate the landscape.

It is submitted the development will not, in terms of Clause 22.06 (Neighborhood Character Policy)

“retain and enhance the identified elements that contribute to the character of the area,” or

“... recognize the need for change around activity centres while respecting the desired future of the area.”

It is recognized that the development might be suitable had it been located adjacent to Hampton Street or even at the bottom of Service Street. It is not a suitable development for the proposed location.

How we may be affected by the impacts of the Proposed Development.

1. If this development proceeds the streetscape in its immediate neighbourhood will be irrevocably altered by the destruction of four (4) dwellings of varying ages. Each of these buildings is complimented by generous front garden and rear gardens. Each of those gardens has an individual design. These houses and their gardens all complement, enhance and contribute to the valued character of the immediate and wider neighbourhood.

2. The proposed removal of 24 mature trees, that are all believed to be in a healthy condition, will have a major impact on the neighbourhood character.

3. Although the development anticipates the retention of the large Southern Mahogany Gum at the rear of 30 Service Street, no indication is given as to what measures will be adopted to ensure that this tree is not adversely affected by the construction works. There is no long-term guarantee that this tree will be replaced by a like species of mature stature, if it is damaged or needs to be replaced because it has been adversely affected by the development.

4. The provision of rooftop pools and entertaining areas on, what is effectively a fourth storey, is completely at odds with the neighbourhood character. Few, if any, of the current dwellings in the neighbourhood have “communal open space,” or swimming pools, on their rooftops. This aspect of the development has all the hallmarks of a Resort being placed in the midst of a residential area.

5. The use of the communal open space on the roofs, will likely generate noise, especially at night-time, by residents, tenants and visitors using the pools and other facilities located on the roofs. The complex will undoubtedly be occupied by a number of renters, some of whom may be on very short-term rental arrangements. The occupants of such units will be entitled to use the common areas of the buildings. It will be well-nigh impossible for the noise emanating from or the behaviour on such communal areas to be effectively policed during their use, unless they are physically closed to prevent access during the evening or at night time. There is practical mechanism that enables Council to require a full-time manager live in the proposed complex to supervise the use of these facilities or effectively control their use.

6. The western entrance drive way, being the driveway nearest our existing common street entrance, services 73 of the total 90 car parking spaces provided as well as the utilities and garbage collection area. Its curb crossing will be approximately 20 - 25 metres from the curb crossing serving the townhouses at 24 and 26 Service Street.
It is likely that a large proportion of, if not the majority of, vehicles entering the proposed development will travel from Hampton Street to this entrance, or exit from this entrance towards, Hampton Street. This traffic will cross the front of our common entrance-way. Cars are often parked between our driveway and the present driveway into 28 Service Street, (the approximate location of the proposed development’s Western entrance). When exiting our driveway by car, it is very difficult to get a clear view up the hill towards the Gillies Street intersection especially if one wishes to turn up the hill towards that intersection. The positioning of the Western Entrance will amplify that problem by reason of the fact that it services the majority of the car parking spaces in the proposed development. This factor and the likely increase in traffic movements in this part of Service Street has the potential to increase the danger of traffic accidents.

7. The addition of 39 Units to Service Street will substantially increase the number of traffic movements in the street, not only by resident’s and occupier’s vehicles, but also by delivery vehicles, tradesmen’s vehicles and other visitors to the units in the proposed development.

8. The size of the development will lead to an extended period of noise and disruption to Service Street residents during construction.

9. Despite the misleading impression given by the Traffic Report, when normal train time tables applied in pre covid conditions, parking in Service Street, particularly on the unrestricted side was often completely taken up by 8 am. on weekdays.

10. During the construction phase there will be competition, for parking spaces in Service Street adjacent to the construction site between tradesmen, contractors and workmen from the construction site on the one hand, commuters, residents and their visitors on the other.

   Our observations suggest that the observance of parking restrictions by construction site workers on similar sites, appears to be flagrantly breached as a matter of course. Council’s Parking Inspectors are seldom seen in Service Street!

11. The landscaping design is impeded by the overdevelopment of the site. It is not sympathetic to the landscape created by the gardens in the surrounding area. It expresses little individuality, a feature of the neighbouring gardens. It presents as being a more stereotyped, generic low maintenance and characterless landscape completely at variance with the remainder of the streetscape.

12. The landscaping design relies heavily on planter boxes to ameliorate the mass and scale of the built form. Where these boxes are located in common areas, (mainly on the ground floor), they will, no doubt, be maintained by the Owners Corporation. However, the maintenance of those boxes located on the balconies of units on the second and third levels, will be the responsibility of the occupiers of the individual units. There is no certainty that such maintenance will occur, particularly in units occupied by tenants. There is no guarantee any such vegetation that is designed to provide a sight barrier, will be maintained or if necessary, replaced, once the construction phase has ended, nor is there any practical means of enforcing such requirement.

**Grounds for Objection**

1. The scale and execution of the proposed development does not accord with the existing character of Service Street and its immediate neighbourhood, nor does it conserve and enhance such character.

2. The style of the proposed buildings does not address or reference the surrounding neighbourhood dwellings and, in particular, fails to appropriately address the heritage homes located opposite the proposed development site.

3. The landscaping plan does not compliment the nature of the landscape present in the neighbourhood nor, the concept of front gardens described in the planning scheme.

4. The removal of vegetation and established trees on the site is not an appropriate response to objectives of the planning scheme.

5. Substantial likely traffic and parking issues will be caused by the development as outlined above.
6. The proposal is an overdevelopment of the site and fails to meet the minimum standards of Rescode and BADS as evidenced by the Urbis Report submitted with the application.

Accordingly:

- We submit that the application for a Development Permit should be refused; and
- We request that if Council resolves to engage legal representation before the VCAT Tribunal when the Application for permit is heard.
6. **Mr Steve Humphris (O)**

**Request to be Heard**

August 11, 2020 P&A Committee meeting,

Item name: “28-34 Service Street, Hampton. Support the Grant of a Permit Application Number: 2019/662/1 Ward: Central

Objection to the Application

Objection: Steve Humphris of 37 Service Street, Hampton 3188.

Proximity to Site: My home is directly opposite and faces the proposed construction.

Introduction: Me and my family (Sarah my partner and our three boys Joe 3, Will 9 and Heath 11) bought our house in 2014 as we saw Hampton as providing the Australian suburban lifestyle we so craved after escaping the clutches of a much more built up and densely populated environment. The proposed development I am in opposition to is in total contrast to the environment our family is growing up in. The fact the application is even remotely within the development restrictions for our zone indicates how out of touch our zoning is right now. I appreciate Melbourne needs to cater for an increase in population, however this development is not about creating sufficient for all, but rather a developer stretching development restrictions to their absolute maximum to propose a facility more appropriate to a busy high street than a quiet suburban environment.

How this proposed development would affect my family:

- The recent impact of Covid-19 now requires government to rethink their suburban development strategy. Building up population density and the usage of local facilities like train stations and shopping areas to levels they have thus far not needed to support, will provide the opposite to the levels of social distancing we now require to prevent the spread of viruses.

- The development is inconsistent with the heritage and general feel of the present streetscape, that of single one and two storey residences. Perfectly fine and arguably heritage style homes are being proposed for demolition to be exchanged for an apartment complex far more suited to a major high street that a quiet suburban road.

- Traffic on the street in recent years has gotten significantly worse now that trucks have been banned from beach road and Service street is being used a a thoroughfare. Our street is also significantly parked out from 730am to 630pm as the train station zone was recently changed and people now park here and walk to the station. Introducing another 100 cars, typically coming and going in the morning and the evening will tip our suburban street over the edge with nowhere to park and constant traffic changing the street into a road.

- Creation of this propose structure will dramatically change the atmosphere from that of a quiet relaxed family oriented environment (cricket on the street, kids on scooters) to something far more like a major road.

- The proposed rooftop entertainment areas complete with barbeque and swimming facilities is outrageous. Party zones, 10 mts off the ground, able to support dozens of residents overlooking our street and our houses will convert our family environment into more of an urban social scene complete with the buzz of music and loud voices. Our heritage houses cannot be properly insulated against this noise as they are too low to the ground and clad with wood. Our window frames are not designed for double glazing. In short, without significantly changing the look of the houses and at enormous expense, we will not be able to protect our homes and our lifestyle from the impact of this entertainment complex.
• The building process will create enormous disruption to our lives over years where we are looking to raise children. Me and my wife both work from home and as previously stated our home is unable to be properly insulated against the noise and dust that will come from the development. Me and all three of my children suffer from allergies and asthma. Again, our house isn’t able to protect us against the disruption a development of this magnitude will bring to our environment.

• The proposed development fails to achieve an appropriate degree of fit with the established neighbourhood character.

• The proposed architectural style does not appropriately reference the surrounding residential area.

• The streetscape response to Service St is a poor response which is inconsistent with the character of the area.

• The proposal is an over-development. It fails to meet minimum standards of Rescode and BADS and results in unreasonable amenity impacts for both surrounding and future residents. This is evident in the Urbis report prepared by the Applicant.

• The development has failed to appropriately address the heritage homes in the NRZ opposite.

• The proposed buildings require the demolition of dwellings that contribute to the valued character of the Precinct. This does not meet planning objectives of retaining dwellings that contribute to the valued character of the precinct. The 4 homes to be demolished are renovated and in very good order. They all contribute generously to the streetscape and neighbourhood character.

• Substantial gardens will be destroyed and replaced with minimal generic plantings inconsistent with the neighbourhood’s mixture of exotic gardens and large native eucalypts. Plantings do not represent ‘front gardens’ as described in the planning scheme. Four established front gardens containing a variety of large established trees will be lost, severely impacting the streetscape. Only one single tree is to be retained.

• The new building development will completely dominate the section of Service Street between Gillies and Deakin St Nth. This one complex will have such a dominating scale and bulk as to dwarf every other building in this residential street and is thus, out of context and unacceptable.

Conclusion: This development is many steps too far, too big, too much. Four blocks rolled into one single building is not about providing necessary expansion to cater for the growing population, it is about greed and the maximum possible the developer can get away with, and with no consideration to the surrounding community or the integrity of the environment. Twin swimming pools on top of a 12mt 80 metre frontage, seriously? Enabling a greed driven outsider to come in and do this to our community would represent a gross failure on behalf of the council and governing bodies, which are supposedly in place to limit what is possible for building developers to do. The proposed development presents a simple opportunity for the Bayside council to push back and reject something that goes too far. Accepting this development would be an indication that there is no intention to preserve Hampton as a suburb, but rather convert it into an urbanized satellite, over 30 minutes drive from the CBD. Accepting this development would also completely ignore the global pandemic we now face, a situation that will inevitably continue in one shape or another on a local and global scale, as our population continues to grow year on year. If you aren’t sure how unpopular this development is, then take a walk around the neighborhood. Every house in Service street has purchased a sign openly opposing this development and displayed it on their fence, as have many of the houses in the area. There is real emotion in the community around this that cannot be ignored.

Steve Humphris, 37 Service St, Hampton. 3188 0468369839
Dear Bayside Councillors,

Re: Application Reference Number: 5/2019/662/1

Site Address: 28-34 Service Street, Hampton 3188

Further to the information on pages 2 and 3 below, the proposed three storey plus rooftop development is the **antithesis** of what my wife and I were attracted to when we purchased in Hampton Street some ten years ago.

This project will destroy the amenity provided by a neighbourhood of predominantly detached houses with generous gardens, rich in Edwardian/Fedaration character in generally quiet streets.

The Developer having bypassed Council shows a lack of respect for Council processes and Bayside residents.

I urge that at this Planning and Amenity meeting, Bayside Council resolves to:

1. **issue a "Notice of Decision to Refuse to Grant a Permit"** to the proposed development application

and

2. **provides legal representation** to defend such decision at the VCAT Hearing on November 23, 2020.

Sincerely

Michael Daly

Thomas St
SUBMISSION TO OBJECT TO THE GRANTING OF A PLANNING PERMIT

Application Reference Number: 5/2019/662/1

Site Address: 28-34 Service Street, Hampton 3188

Date of this submission: 11th of May 2020

Objector: Michael Daly

Proximity to Site: My home is one block from the proposed development

Introduction: This is my tenth year living in Hampton, and sixteenth year of working in Hampton on a self employed basis. I have never seen a proposal for change as dramatic as this proposal.

How this proposed development would affect our home.

- The forth level and rooftop pools would set a precedent for the area.
- The noise and disruption during the building process would impact greatly on our enjoyment of our neighbourhood. We are already impacted with the developments in Crisp Street with truck traffic, parking and noise even though they are two blocks from our home.
- It will put further pressure on the limited casual parking, in an area that is very close to the epicentre of the Hampton Shopping Precinct.

Grounds for Objection:

- Loss of vegetation. Large gardens and many mature trees will be lost. Some of these trees are 80 years old and contribute greatly to the urban forest of Hampton. Only one tree is proposed to be maintained and is likely to be affected by building works and severing of roots.
- This proposal does not achieve an appropriate fit with the established neighbourhood character. It is completely inappropriate, and will lead to the loss of significant original Hampton houses that will never be replaced.
- The proposed architectural style does not reference the surrounding residential area.
- The scale and bulk of this proposed development will dominate Service Street, taking up almost half of one side of the street between Gillies Street and Deakin Street North.
- The proposal is an overdevelopment leaving inadequate setback from neighbouring properties and inadequate space for trees.
• The proposed development fails to address the heritage homes in the NRZ opposite.
• The development requires demolition of homes that contribute in a major way to the valued character of the Heritage Precinct. These are fully renovated homes in very good order. The proposal therefore does not meet planning objectives to retain dwellings that contribute to the valued character of the precinct.

Conclusion:

The proposed changes are too dramatic and too transformational for the area in question, which is arguably one of the best streets in Hampton in terms of neighbourhood character and heritage. I strongly urge that proposal 5/2019/662/1 is unequivocally rejected by Council.

Sincerely

Michael Daly
8. Mrs Jill Esplan (O) 

Request to be heard by Jill Esplan, 20 Service St Hampton.

Planning and Amenity Committee meeting on Tuesday August 11, 2020

Agenda Item 4.4

Item name is "28-34 Service Street, Hampton. Support the Grant of a Permit Application Number: 2019/662/1 Ward: Central"

My objection to the above application is as follows:

1. it does not fit with the existing neighbourhood character
2. it's height, mass and visual bulk of the development are excessive and
3. it does not meet all of the requirements in the Bayside Council’s planning scheme
4. being on the very outer boundary of the MAC it does not blend into the landscape of single storey houses lying outside the MAC east of the Service St / Gillies St roundabout.

Background.

I have lived in Hampton since 1985 and at 20 Service St Hampton since December 1997, some 5 years before the State Government declared we were now living in a Major Activity Centre. We bought the home as it was on a large block and had a great backyard for our children to grow up in.

In 1999, I used to prop our 6 month old son, Mikey, up on the nature strip with cushions whilst I painted our front picket fence between his feeds and naps. It was a great way to meet the neighbours, some of whom still remind me of meeting me that way, and I felt it was quite safe to do so given the low volume of traffic in the street. Even today, it might still be possible to do this.

Today.

The proposed development of 39 new dwellings, no doubt each with 1 or 2 cars, together with the proposed new multi storey commuter car park at the bottom of the street will drastically increase the amount of traffic in Service St such that I would never dream of propping up any grandchild of mine on the nature strip whilst I painted our fence.
There are now four 3 storey developments in Crisp St, but the 28-34 Service St development is twice the size of any of them and, situated at the top of the hill, will be seen from all directions as a huge massive structure. The four houses to be demolished are 1 and 2 storey homes with large, established gardens and large trees are very much typical of the neighbourhood character in Service St with front fences you can chat to the neighbours over.

The proposed 3 storeys plus rooftop pools and outdoor areas and a front fence more than 1.5m could never be considered as blending within our neighbourhood character and, if approved, sets an all too common precedent these days to change the neighbourhood character as in Crisp St.

They say pictures are 1,000 words, so consider these before and after photos from our backyard.

The second development in Crisp St – constructed between 2019 and 2020 has changed our view in the backyard from this to this to the south-west.

Our current backyard view looking up the hill to the east shows a beautiful forest of trees with just a glimpse of 2/26 Service St’s orange roof showing.
All but one of these trees in the red rectangle will be removed and the top two storeys plus the rooftop outdoor area of the new development which exceeds the 12m height limit imposed will be a huge visual mass we will see. Being down the hill, the noise from residents using the rooftop outdoor area and pool will be clearly heard in our backyard where we already hear the noise from air-conditioners from the developments at 33 Crisp and will shortly do so from the development nearing completion at 23-25 Crisp St.

From our front yard (left pic) and footpath (right pic), there will be the same enormous visual bulk viewable, instead of the beautiful trees we currently see.
The developers have clearly demonstrated their arrogance to residents and Bayside Council by going straight to a hearing at VCAT and I urge council to:

1. refuse to grant a planning permit for the development and
2. vigorously defend both the residents’ objections and council’s reasons for not granting a permit at the VCAT hearing on November 23-25.

Thank you.

**Jill Esplan**

Jill Esplan.
Dear Sir / Madam

My wife and I and our 5 children live at 35 Crisp Street, directly behind the proposed development. I would like to make it clear up front that we are not opposed to all development. We purchased our house ~8 years ago while 33 Crisp was being developed, and overtime expected some further development in Crisp Street. However 3 more double block 3 storey developments (which are all current' being built) were beyond what we had expected. Nevertheless, because none of these are next to us the impact (other than parking) on us is expected to be minor. This new development however is different. Not only does it take up 4 blocks and thereby sets a precedent for a development off Hampton Street itself, but it will significantly impact our enjoyment of our living area and back yard. Not only will we be faced with a large building close to our fence line but all the trees on the current boundary will be removed. While the plans do state that the tress will be replaced, this will not be so for the large gum tree. Further more, our living area and deck is on a much lower level than the fence line in question so the potential for overlooking is heightened. There is also the issue of the 2 roof top pools - we expect significant noise from these areas. But on top of all of this, this development has the potential to ruin the neighbourhood feel of Hampton - and once this is done there is no going back. The line needs to be drawn somewhere and our submission is that this is both the time and the place to draw it.

Please find restated the below the Statement of Grounds upon which I will rely in the VACT hearing

The Development fails to adequately respond to the objectives of the Bayside PlanningScheme as:
1. It fails to respect the identified heritage qualities of building in the street opposite the development
2. It fails to maintain or enhance the garden setting of the precinct
3. It fails to respond to the existing and preferred neighbourhood character for this precinct
4. It has amenity impacts on neighbouring dwellings
5. The proposed rear setbacks fail to respect the existing and preferred neighbourhood character or limit amenity impacts on adjoining dwellings

Finally I request the following:

(a) That the Bayside P&A Committee resolves to issue a "Notice of Decision to Refuse to Grant a Permit" to the proposed development application

(b) That Bayside Council resolves to provide legal representation to defend such decision at the VCAT Hearing on November 23, 2020.

Regards

Stephen Tuffley
10. Ms Annabel Austin (O)

1. Should the proposed development at 28-34 Service St Hampton go ahead it will change the character of the street in a detrimental way. I moved into Service St last year and love the old-world nature of the street and the abundance of mature trees. The proposed development does not respect the character of Service St nor enhance it in any way. It will spoil what is currently a very beautiful location.

2. A 70 metre street frontage filled by two massive three storey buildings and fences higher than 1.5 metres will overwhelm everything around it. The proposed buildings are ugly and set too close to the property boundaries. Too many large, old trees are going to be removed. The houses directly opposite the site have a heritage overlay and this proposal is out of keeping with those homes and the rest of the houses in the street.

3. There are too many dwellings planned for this site (39 dwellings) and this will have a negative impact on the surrounding area and devalue other properties. Parking is already problematic for some residents. This development does not have adequate car parking and will only serve to make the parking problem worse with occupants of 28 – 34 Service St and their visitors parking their cars in the surrounding streets.

4. Two rooftop pools will be an unwelcome intrusion into the tranquillity of Service St will detrimentally impact on the surrounding amenity.

5. The development site is on the side of a hill and close to the intersection with Gillies Street. Should this development go ahead large trucks, earthmoving equipment and other construction equipment will create a hazardous environment for residents. Anyone driving down Service St towards Hampton St will not be able to see obstructions outside 28-34 Service St until they are practically on top of them. This will be dangerous.

6. I request that the Bayside Planning an Amenity Committee resolves to issue a "Notice of Decision to Refuse to Grant a Permit" to the proposed development application.

7. I also request that Bayside Council resolves to provide legal representation to defend such decision at the VCAT Hearing on November 23, 2020.
11. Ms Li Wang (O)

My husband David Hainsworth & I object to the development proposed for 28-34 Service street, Hampton Vic 3188 on the ground that:

1) The Development dwarfs the period homes that presently line Service Street in a commercial scale development that will change the neighborhood character & streetscape forever. The Development building mass of 70.7 meters frontage, 11.5 meters height plus additional rooftop outdoor facilities & Lift towers will overpower the period homes in the street.

2) The Development proposed 39 new dwelling households & 90 car parking spaces on a site that currently holds 4 homes. This is staggering 8 fold increase in the number of dwelling households on the combined site. The increase in traffic from the development is forecast to double traffic volumes in Service Street from that of present local resident traffic volumes.

3) The Development covering most of the site removes 25 established trees including 4 mature & heathy 60-80 year’s old oaks that are rated “worthy of retention” by the Council Arborist. There is little provision for new greenery & certainly nothing to offset the proposed loss of green habitat.

4) The impact of the structure on residents living in the immediate vicinity of the building by way of overshadowing, overlooking, loss of privacy, noise, traffic will be traumatic in the extreme.

Kind Regards
12. **Mr James Kroussoratis (O)**

My wife and I have lived at 37 Crisp Street since 2014. We choose Hampton to raise our three daughters (now 7 years, 5 years and 2 years old) as it presented the ideal family suburb that wasn’t too densely populated, had great amenities and an abundance of trees and wildlife. We choose the house we currently live in as the backyard is like an oasis, with the beautiful gum trees in the surrounding area creating the perfect private setting for us to enjoy our swimming pool and raise our girls.

Due to the elevation of the land, the proposed development at 28-34 Service St sits significantly higher than our property and as such will dwarf our backyard, creating a visual bulk that will completely destroy the privacy my three young girls currently enjoy.

I urge Bayside Council to refuse the Permit Application to develop the land at 28-34 Service St, Hampton on the following grounds.

1. **Excessive Bulk**

The extent of built form at the rear of the proposed building is of concern considering the height of the building towards the southern boundary. The southern aspect is further exacerbated by the level difference between the development site and 37 Crisp Street (significant land rise to the north-east). The impact on our backyard character and the privacy our girls enjoy while playing in the pool and backyard will be decimated.

2. **Loss of Amenity**

The proposed development will have a negative impact on the amenity of our property and other properties along the rear boundary, through overlooking, overshadowing, loss of privacy and noise.

3. **Inconsistent with Neighbourhood Character**

The size and scale of the building is excessive and out of context with established residences in the area. It will change the “village feel” of the street and create increased traffic in the area. In addition, the proposed development does not respect the scale and forms of the streetscape, nor the heritage properties in the NRZ opposite. The extensive removal of healthy mature trees and vegetation across the 4 sites is inappropriate and excessive.

4. **High density living & Covid-19**

The COVID-19 pandemic requires governments to rethink their suburban development strategy. Higher density living has played a role in the pandemics transmission rates. Government has a duty of care to its constituents to protect them in the event of this and future pandemics.

As a bayside resident, I urge that at the meeting on 11 August, the Bayside council resolves to:

issue a “Notice of Decision to Refuse to Grant a Permit” to the proposed development application.

That Bayside Council resolves to provide legal representation to defend such decision at the VCAT Hearing on November 23 2020.
13. Mr Mark Edwards (O)

My wife and I recently purchased (Sept 2019) and moved into our home at 8 B Gillies Street, Hampton. We were attracted to this home because of the quiet neighbourhood, being in an area with not a lot of through traffic. Also of great attraction was the lovely tree lined streets with native trees and gardens that attracted many beautiful native birds. Also the low density traditional homes and blocks of land.

We have been residents and owners in Bayside for over 30 years, raising 3 boys in Bayside, who are now in their mid thirties, and continue to love the area.

Upon looking at the proposed development of 28-32 Service Street, Hampton, a number of issues became of enormous concern, especially as this development is directly next door to our home.

* This is a gross overdevelopment of a quiet suburban street, especially when compared to many other Bayside developments in quiet streets. Having a fourth storey to incorporate a common area to include a swimming pool and open leisure area for people to socialise, swim and eat will we believe encourage the real possibility of loud and continuous noise, as well as potential undesired behaviour. having this area abutting our property will have an enormous impact on our privacy, security, quality of life, as well as overshadowing of our property in a very negative way.

* We believe that such a development almost certainly exceeds current council regulations.

* The size of the proposed development with 39 dwellings and 75 car parking spaces will have horrendous ramifications for the traffic flow and congestion into what is now a quiet cul de sac triangle to the east of Hampton street and the Hampton station. This will impinge on both the safety of residents, congestion and noise levels in these quiet streets.

* The 4 homes being demolished all have large and developed gardens with lovely established trees and shrubs that attract many and varied birds. In the planned development I believe only one tree is to be retained. This will be tragic for the current streetscape and wildlife. In the place of these gardens will be a concrete and stone monstrosity.

* The entire area is being compromised in an unacceptable way with such a grossly inappropriate development and we urge to not allow such a monstrosity to proceed. Indeed it is important that we get council support to stop such an ugly overdevelopment of our quiet community.

* We urge that at this meeting the council resolves to:
  a) Issue a "Notice of Decision to Refuse to a Grant a Permit" to the proposed development application
  b) Provide legal representation to defend such a decision at the VCAT Hearing on November 23, 2020.
14. Ms Monica Kerlin (O)

9th August 2020

Dear Bayside Councillors,

Re: Application Reference Number: 5/2019/662/1

Introduction.

I have lived in our home in this neighbourhood for almost ten years. I have become acquainted with our neighbours in Service Street. When I walk to the beach I choose to walk down Service Street to enjoy the shade of the large trees and the lovely heritage homes in beautiful gardens.

We looked for 18 months before buying our home in Thomas Street. We chose to live here because of the heritage homes and large gardens supporting mature trees. One of my greatest joys is the numbers of small native birds in our gardens that are usually only found in forests. We only have these birds because we are living in a rare and shrinking urban forest.

After we moved here our beautiful neighbourhood was rezoned for growth. We are told we need to accept redevelopment to house a growing population and yet we see Hampton apartments already built include serviced apartments and short term rentals accommodating overseas visitors and wedding parties.

The scientists tell us Covid 19 is here to stay. We will be managing breakouts each season for years to come. High density housing has been identified as a contributing factor to Covid spread. We have felt very lucky to live in a detached home with space around us in this time. There is much discussion about future planning. Do we need to rethink high density housing now?
There are already hundreds of apartments that have been granted permits and are waiting to be built in and around the Hampton Village. Losing our beautiful neighbourhood for the profit of builders is heart breaking.

**How this proposed development would affect our home.**

The loss of so much vegetation and mature trees will decrease a large piece of the urban forest for the **birds, insects and foraging bees**. Each time a garden is lost in our area we see fewer of our precious native wildlife in our neighbourhood.

The forth level and **rooftop pools and parties** would set a precedent for the area and we would be suffering the same fate as our Service Street neighbours in coming years.

The **noise and disruption** during the building process would be awful. We are already suffering with the developments in Crisp Street and wayward trucks coming down tiny Thomas Street.

**Grounds for Objection:**

**Loss of vegetation.** Large gardens and many mature trees will be lost. Some of these trees are 80 years old and contribute greatly to the urban forest of Hampton. Only one tree is proposed to be maintained and is likely decline and need removal with the effects of building works and severing of roots.

This proposal does not achieve an appropriate fit with the established **neighbourhood character.**

The proposed **architectural style** does not reference the surrounding residential area.
The scale and bulk of this proposed development will dominate Service Street taking up almost half of one side of the street between Gillies Street and Deakin Street North.

The proposal is an overdevelopment leaving inadequate setback from neighbouring properties and street frontage and inadequate space for trees.

The proposed development fails to address the heritage homes in the NRZ opposite.

The development requires demolition of homes that contribute to the valued character of the Heritage Precinct. These are fully renovated homes in good order. This does not meet planning objectives to retain dwellings that contribute to the valued character of the precinct.
Conclusion:

I know some of the owners of the homes and gardens to be swept away by this proposed development. We helped them fight to maintain their neighbourhood character when they were threatened by a past development. I know they loved their homes and their neighbourhood then. I hope they will reconsider and realise they are custodians of a beautiful leafy neighbourhood.

I urge that at this Planning and Amenity meeting, Bayside Council resolves to:

1. issue a "Notice of Decision to Refuse to Grant a Permit” to the proposed development application

and

2. provides legal representation to defend such decision at the VCAT Hearing on November 23, 2020.

I request Council refuse to permit this development to proceed.

Sincerely

Monica Kerlin
0408 546 533
SUBMISSION TO OBJECT TO THE GRANTING OF A PLANNING PERMIT

Application Reference Number: 5/2019/662/1

Site Address: 28-34 Service Street, Hampton 3188

Date of this submission: 11th of May 2020

Objector: Michael Daly

Proximity to Site: My home is one block from the proposed development

Introduction: This is my tenth year living in Hampton, and sixteenth year of working in Hampton on a self employed basis. I have never seen a proposal for change as dramatic as this proposal.

How this proposed development would affect our home.

- The forth level and rooftop pools would set a precedent for the area.

- The noise and disruption during the building process would impact greatly on our enjoyment of our neighbourhood. We are already impacted with the developments in Crisp Street with truck traffic, parking and noise even though they are two blocks from our home.

- It will put further pressure on the limited casual parking, in an area that is very close to the epicentre of the Hampton Shopping Precinct.
Grounds for Objection:

- Loss of vegetation. Large gardens and many mature trees will be lost. Some of these trees are 80 years old and contribute greatly to the urban forest of Hampton. Only one tree is proposed to be maintained and is likely to be affected by building works and severing of roots.

- This proposal does not achieve an appropriate fit with the established neighbourhood character. It is completely inappropriate, and will lead to the loss of significant original Hampton houses that will never be replaced.

- The proposed architectural style does not reference the surrounding residential area.

- The scale and bulk of this proposed development will dominate Service Street, taking up almost half of one side of the street between Gillies Street and Deakin Street North.

- The proposal is an overdevelopment leaving inadequate setback from neighbouring properties and inadequate space for trees.

- The proposed development fails to address the heritage homes in the NRZ opposite.

- The development requires demolition of homes that contribute in a major way to the valued character of the Heritage Precinct. These are fully renovated homes in very good order. The proposal therefore does not meet planning objectives to retain dwellings that contribute to the valued character of the precinct.

Conclusion:

The proposed changes are too dramatic and too transformational for the area in question, which is arguably one of the best streets in Hampton in terms of
neighbourhood character and heritage. I strongly urge that proposal 5/2019/662/1 is unequivocally rejected by Council.

Sincerely

Michael Daly
15. Mr Graham Cooper (O)

SUBMISSION TO OBJECT TO THE GRANTING OF A PLANNING PERMIT

This is a further submission to voice our objection to the proposed development, below, and to re-iterate or outrage that such a clearly inappropriate development has been proposed for the neighbourhood in question.

I urge that at this meeting, Bayside Council resolves to:

(a) issue a "Notice of Decision to Refuse to Grant a Permit" to the proposed development application

(b) provides legal representation to defend such decision at the VCAT Hearing on November 23, 2020.

Application Reference Number: 5/2019/662/1

Site Address: 28-34 Service Street, Hampton 3188

Date of this submission: 11th May 2020

Objectors: Marg Sullivan and Graham Cooper, 6 Gillies Street, Hampton 3188.

Proximity to Site: Our home shares a North facing boundary with the proposed construction.

Introduction:
My partner, Graham Cooper and I, have lived at 6 Gillies Street for 16 years.

We moved from Glen Iris deliberately to Hampton. I had grown up on the Mornington Peninsula and my parents still live in Mornington.

The reason for the planned, and well researched move, was that Hampton provided many of the elements I had enjoyed in my younger life, with the added benefits of closeness to public transport, an urban lifestyle, and the respect that long term Hampton residents had for the area, including, sensitively to the natural resources, a commitment to retaining established trees, and evidence of informed plantings for the future. Alongside this, was an abundance of bird life, and other wildlife.

Of note, was the commitment to retaining both heritage, and older homes. The care and love when walking around the area was obvious to all.

Graham and I both work, mainly from home, and have been exposed to enormous changes over the last 7 years.
Firstly, the apartment development at 33 Crisp Street which completely ended a very generous Bay view. Several trees were also lost at that time.

Then the commencement of the development at Number 39-41 Crisp Street on our South Boundary. Stellar Building Company bought and demolished two house and removed all but one established tree. Due to the business collapse of Stellar the double block has staggered, along and four years later from our top balcony looks over a “paddock” of dirt.

Next, we are surrounded by the current large development 43 Crisp Street, on the corner of Gillies and Crisp streets being undertaken by Figurehead Construction.

The development at **28-34 Service Street**, and our objection as individuals is very important to us. Both as affected neighbours, and also as advocates for the broader Hampton community, both now, and into the future. We are realists. Change is inevitable, and in many aspects these changes need to be embraced. However, this development, in its sheer bulk and total disregard for its surrounds, needs, in our view, to be challenged.

Many issues regarding the development are the same for all, but for 6 Gillies Street there are individual issues, that, I believe are highly relevant.

**How this proposed development will impact our property includes.**

- The impact to our backyard and the change to its character will be significant. The proposal will overpower our open rear yard space, reducing outlook and the solar access we currently enjoy.

- Our Kitchen on the second level faces North directly into the backyard of Number 32 Service Street.

- Our North facing, second level balcony faces directly into the backyard of 32 Service Street, and, also has a view of the rear of No 30.

- Our larger, second level balcony faces due West, and overlooks 32 Service Street backyard to the North. As a result of the over development, the only view we will have to the North is the bulk and size of the building.

- The removal of the large established trees will have a huge impact, both in terms of the trees, and the bird and other wildlife associated with them. There are trees that I question should be removed including tree 19 in the arborists report. It is into the North/East corner of 32 Service Street and close to our boundary. It is one I can make clear comment on but am confident there might be others.

**Grounds for Objection:**

- The proposed development fails to achieve an appropriate degree of fit with the established neighbourhood character.

- The scale and size of the development is out of context with established residential pattern of development found in this area.

- The visual bulk and height of the proposed development will have a significant impact on 6 Gillies, and other properties due to a significant fall in the land (2-3 Metres).
The landscaping plan, and, removal of all but one tree and vegetation on the site is not appropriate.

Significant traffic and parking issues will be caused by the development.

The development is too close to the side and rear boundaries inappropriately compromising privacy and subjecting surrounding properties to noise issues.

Conclusion:

We strongly oppose this development and request that Council officers and Councillors undertake a “site-visit” to see “first-hand”, the impact this proposal will have on our home, the immediate area, and the suburb.

Accordingly, we submit that the application for a Development Permit should be rejected.

In the light of the current Covid19 Regulations that effectively prohibit face to face meetings and our inability to inspect the full scale development plans in their entirety, (Council’s offices having been closed to the public during the time before which objections are to be lodged), we reserve the right to add to or amend the above objections before Council’s final consideration of this application.

I urge that at this meeting, Bayside Council resolves to:

(a) issue a "Notice of Decision to Refuse to Grant a Permit" to the proposed development application

(b) provides legal representation to defend such decision at the VCAT Hearing on November 23, 2020.

Marg Sullivan, Graham Cooper
6 Gillies Street, Hampton. 3188
0419540890
16. Mr Joseph Tiong (O)

REQUEST TO BE HEARD

Bayside City Council’s Planning & Amenity Committee
Scheduled Meeting Tuesday 11 August 2020 5.00PM
Application No. 2019/662/1
Address 28 - 34 Service Street, HAMPTON
Proposal Construction of a 3 storey multi-dwelling (39 dwellings) building over a three level basement and a front fence in excess of 1.5 metres in height

We request that at this meeting, Bayside Council resolves to:

1. Issue a Notice of Decision to Refuse to Grant a Permit to the proposed development application.
2. Provide legal representation to defend such a decision at the VCAT Hearing on 23 November 2020.

Introduction

We have been associated with 24 – 26 Service Street, Hampton since 1988, when our company purchased an existing business operating at that location. In 1998, we purchased the freehold property when the landlord offered it for sale. After our business was sold in 2001, we undertook a 4-unit development that was sympathetic to the established neighbourhood character. Its size and scale was not out of context with established residential pattern of development in the neighbourhood. For personal family reasons, including our desire to be close to one of our children who resides in the city, we currently rent out our unit @ 1/26 Service Street, Hampton. It has always been our intention to begin the next phase of our retirement life by moving to our Service Street unit within the next two years.

Statement of Grounds

We submit that the above application for permit to develop the subject land be refused on the following grounds:

1. The proposed development fails to achieve an appropriate degree of fit with the established neighbourhood character of the planning policy framework contained in the Bayside Planning Scheme.
2. The proposed development does not respect the established character of Service Street and the surrounding area.
3. The total frontage of 70m+ represents an unacceptably extensive impact on the immediate neighbourhood.

4. The height and mass of buildings are excessive, and out of context with established residential development found in this location.

5. The architectural style of the proposal does not appropriately reference the surrounding dwellings.

6. The opportunities for landscaping to soften the proposal throughout the development site are limited.

7. Extensive removal of existing vegetation on site is a sign of an inappropriate design response.

8. The scale of the proposed development, with the addition of up to 90 extra vehicles daily during weekdays, adversely impacts the already busy traffic on Service and surrounding Streets.

**Other Direct Adverse Impacts on Our Unit**

The proposed development has other direct adverse impacts on our unit due to its proximity to the east of our boundary, including the following:

1. Visual bulk and scale of the proposal, exacerbated by the fall of the land from Gillies Street.

2. Buildings too close to our side boundary, creating noise and privacy issues exacerbated by the location of the air-conditioning plants, swimming pools & entertainment areas on the rooftop.

3. Inappropriate location of the vehicular access way, being metres from the family & dining rooms of our unit at 1/26 Service Street.

Joseph Y & Maggie M Tiong  
Owner - Unit 1/26 Service Street Hampton  
0414 783 948  
7 August 2020
Hampton Neighbourhood Association Inc (HNA) thanks Councillors for the opportunity to make a submission on the application.

HNA considers that the application for a permit should be rejected.

As Councillors are aware, HNA supports development that is consistent with State and Bayside planning guidelines. However this application brings into harsh reality the community's worst fears arising from higher density development encouraged by the relevant State Planning Policy Framework.

The Association's 560 or so members are greatly concerned with this proposed development for many reasons including its overall size and appearance, impact on the street and neighbourhood character, effect on nearby residents and the potential for setting a precedent for similar and larger sized developments of this nature.

The proposal is adjacent to a Neighbourhood Residential Zone with a 70 metre + frontage and 2 rooftop swimming pools and completely changes the neighbourhood character of Service Street.

For a development of this size and bulk to be allowed would be devastating for the future vision of Hampton.

Specifically in relation to instances of non-compliance, we ask you to note the following issues:

1. The design, height, mass and overall appearance of the proposed buildings would dominate the streetscape and have a detrimental effect on the existing and preferred neighbourhood character of the area, and fail to develop the area in a manner that conserves and enhances its valued character. Also with 4 house block frontages totalling 70.7 metres, the consolidated development site would likely be wider than any other in this type of zone in Hampton and would have a significant impact on the existing street character which has been in place for up to 100 years.

2. All the existing trees and landscaping apart from one tree will be removed, including one Council owned street tree. This is a massive destruction of the landscape in the area and such loss of this degree would not be allowed with four separate developments on individual blocks in the same area.

3. The development exceeds the 11 metre zone maximum height limit and is over 12 metres in some places.

4. The lift overrun and stair enclosures exceed the maximum building height even further by some 2.4 metres in two locations, and they are clearly visible rising well above the proposed building.

5. The proposal suggests that the building presents as two distinct forms, but we do not accept that is clear from the plans and montages, rather the building presents as one long 70 metre-wide building.
6. The street and side and rear setbacks are not fully compliant at all levels.

7. There are overlooking issues impacting on the neighbours that need to be addressed further.

8. It is noted that some of the units do not comply with the required standards for open space and light and could be addressed better.

9. The two swimming pools and recreation areas on the roof will negatively impact neighbours and create noise and nuisance.

In conclusion HNA is of the view that the enormous detrimental impact of this proposed development cannot be cured by imposing conditions and we urge Councillors to resolve to refuse the grant of a permit.

We also request that senior counsel be retained to represent the Responsible Authority on hearing of the VCAT proceeding listed to commence on 23 November 2020 to ensure ratepayers' and residents' interests are fully protected.

Tony Batt
President
Hampton Neighbourhood Association

10 August 2020
18. Mr Damien Thomas (O)

RE: Planning Proposal No 5/2019/662/1
28, 30, 32 & 34 Service Street Hampton

Dianne and I are the owners and Occupiers of 33 Service Street Hampton. Our home is directly opposite the proposed development. We have lived in Bayside our entire lives and have a very strong connection to our community and place.

Service Street is a well known and loved part of Hampton and Bayside's community and landscape. It’s unique topography and leafy environment includes established trees and gardens, together with predominantly detached dwellings, is what is valued as its existing neighbourhood character. The proposal to remove a large part of its history and landscape, and replace it with a development of this scale will unreasonably alter the character so many value.

We have objected to the planning proposal at 28, 30, 32 & 34 Service Street for the reasons outlined below.

1:

The size and scale of the proposal is out of context with the established streetscape. The development of a building of this scale spanning 4 large home sites is without precedent in an established residential street in Bayside, and will unreasonably alter the character of the Service St and its surrounding neighbourhood.

2:

The proposal sits within Precinct F1 in the Bayside planning scheme, yet does not respect the existing or preferred neighbourhood character objectives outlined within the Scheme in that: It fails to ensure that new buildings do not dominate the streetscape through built form, scale, mass and design detail of the building. The proposal fails to develop the area in a manner that conserves and enhances its valued character.

3:

At the location of this development, Service St is divided by a transition between NRZ to the north and GRZ to the south. The proposal does not adequately consider the transition between these zones.

4:

The proposal does not comply with schedule 12 to the design and development overlay within the Bayside Planning Scheme due to: 1. The proposal exceeds the mandatory maximum building heights in several locations. 2. The roof decks and their associated structures exceed mandatory maximum building heights specified for precinct E. 3. The roof decks include permanent structures that increase the visual bulk of the building.
The design of the proposal will result in unreasonable off-site amenity impact to the surrounding properties, particularly the properties to the West and South given the local topography, resulting in a built form as read from these properties, being at odds with the intentions of both Local and State planning objectives.

I have been working in the field of development and construction for 25 years, and have been a party to many planning applications in residential developments in similar Zoning and circumstances, and make the following observation and criticism of the Report included as Item 4.4 for Planning & Amenity Meeting – 11 August 2020.

To my mind most importantly, to the subject of Neighbourhood Character, the report refers to a perception of a contradiction between the intended outcomes of local Planning Policy Framework as outlined in 22.06 Neighbourhood Character- Precinct F, and that of DD012 as evidenced by the following quote from item 6.3 within the report:

“Failure to acknowledge such a contradiction would result in assessment whereby one would effectively have one foot on the accelerator and one foot on the break”.

This comment in my opinion is representative of the report more generally, in that it is an inadequate and blunt interpretation of both Local and State Planning policies. As you are aware, Planning Policies and Frame Works are detailed and often difficult to interpret. Therefore any response should be nuanced and balanced. For the purpose of illustration, and in contrast to the above Quote, I submit to you that this proposal has no regard to Local Planning Policy and by its sheer scale is ‘One foot on the accelerator in a vehicle with no brakes, quickly running out of runway’.

I urge that at this meeting, Council resolves to issue a Notice of Decision to Refuse a Permit and to provide legal representation to defend such a decision at the VCAT hearing on November 23, 2020.

Damian Thomas
19. Mrs Raelene-Sue Robertson (O)

BAYSIDE PLANNING AND AMENITY DELEGATED COMMITTEE MEETING – AUGUST 11, 2020
REQUEST TO BE HEARD.

Application Reference: 5/2019/662/1

Agenda Item: 4.4

Item name: 28 – 34 Service Street, Hampton. Support the Grant of a Permit Application No 2019/662/1 Ward Central

My name is Raelene-Sue Robertson and am the owner/resident of 2/26 Service Street. My husband, Graham and I live in the rear town-house in the property adjoining the proposed development, on the western side. We share a common boundary fence, of approximately 28.4 metres with 28 Service Street, Hampton, one of the four homes this development, if allowed to proceed, will see demolished. The main bedroom of our property, the bathroom and study downstairs are located 1.8 metres off the shared fence. Upstairs a bedroom, parents retreat/study are similarly located. A detail well-known to the developers at the planning stage as they ‘shared’ photos of our walkway and garden between the fence and our home, they had taken over our fence, which were unauthorized and invasive, then including them in the overall planning application.

We have lived in Bayside for many years, and a major factor in choosing our home was that it is in a street and streetscape that reflects and respects the lifestyle and community which is integral to the Bayside area. A factor which has been highlighted in a recent employment advertisement placed by davidsonexecutives.com.au on behalf of Bayside City Council, which states that “Bayside Council is a unique municipality renowned for its natural environment, ‘village feel’ and low density living.”

We were particularly attracted to Service Street because of its neighborhood character with its many Heritage-listed Federation homes that meld with their surroundings and the overall neighborhood character with its beautiful residential gardens and well-established trees. A development of the height and bulk of the one proposed is out of keeping with the area and is an overdevelopment of the site.

The proposed development is massive in scale. It towers over our adjoining two level property at 2/26 Service Street, in fact, it is double the height, and will overwhelm, overshadow and deprive our habitable space of natural light and morning sun.

The excessive height of the proposed development, with 9 apartments on the western side of the building, spread over three levels, will afford significant overlook into our property, and significant loss of privacy, as highlighted by the photos taken by the developer.
The proximity of the building to our living accommodations (bedrooms, bathroom and study) is unreasonable and invasion. It is an inadequate set-back and height and will significantly impact on our privacy and our daily life.

Proposed rooftop pools and entertainment areas add to what is already excessive height, are a safety concern and will result in unreasonable, atypical noise and activity day and night, in a quiet family-orientated street. Lift-overrun and staircases, in addition to the air-conditioning and roof-top plant rooms, will add to the height and, in turn, to the shadow and reduction of natural light over our property and the overall noise factor.

Additionally, the proposed 1.12 metre back-fill in the south-west corner of the proposed development, up to our fence line, will raise the height of all apartments directly adjacent to our property, affording unacceptable visual access to our property. This will have a significant impact on our privacy in our bedroom, our bathroom and study as well as our garden and private area, and our free-living space outside. The proposed mitigation to erect a new 2.5-metre-high fence on the boundary (40% higher than our current fence), will not negate this issue. Rather than improve our privacy it will further reduce the shadow and further reduce the amount of our natural light.

Further, apartments #6, #7 and #8 on the ground floor of the proposed development are directly adjacent to our main bedroom, bathroom and study, and with their respective terraces/decks, will be about one metre from the common fence. It is an inadequate set-back and height, and will significantly impact our privacy and peaceful amenity. The increased noise level which will necessarily come from the apartments, especially from the open terraces/decks, will be within audible distance to our sleeping and study areas.

If this development is allowed to go ahead, there will be a significant reduction in number of trees within the proposed development area. 24 mature trees in total will be lost. Of particular concern to us is the massive tree on the western side of the site, and on our boundary, that provides a canopy of shade in the heat of summer, and a picturesque and calming aspect of nature year around. This is a substantial and healthy tree, which attracts a variety of bird life, particularly the lorikeets, and adds to the amenity and enjoyment of the neighbourhood and our property in particular.

The location of the carpark entry and exit on our boundary, presents a significant safety issue. Exiting our neighbouring driveway, is already hazardous. This situation can only be exacerbated by the increased traffic movement generated by the proposed 140% increase in habitable dwellings in Service Street between Gillies and Deakin North.

In conclusion, as long-time residents of the area, who love living here, who love the village atmosphere and knowing how our neighbours love the area, it horrifies us that there appears to have been no thought given as how a building of this magnitude, both in scale and visual bulk, is going to co-exist with its neighbours, and within this neighbourhood, because if it is allowed to go ahead, as per this planning application, it will destroy the very neighbourhood it seeks to be a part of.
I urge that at this meeting, after considering my objections and those of the 86 plus associated objections received in relation to this development, that council resolves to issue a Notice of Decision to Refuse to Grant a Permit and to provide legal representation to defend such a decision at the VCAT Hearing on November 23, 2020

Raelene-Sue Robertson. 2/26 Service Street, Hampton. 3188

suerob14@gmail.com

0418360026
I submit that the above application for a permit to develop the Subject Land be refused on the following Grounds:
1. Over-development of the site & destruction of 4 solid, beautiful old homes.
2. Bulk of building ie.12 metres in height plus rooftop pools x 2 and entertainment areas x 2, overbearing and out of scale.
3. Adverse visual impact of development on streetscape, detrimental to the character of the local area.
4. Traffic problems. 39 apartments with a total 105 bedrooms will inevitably lead to an increased volume of traffic in Service Street & surrounding streets. The reality is that each apartment will have at least 2 vehicles & in recent years (last 2-3) there has been a marked increase in cars parked in these streets by city commuters, making visibility poor. There is always traffic backed up in Service Street attempting to exit into Hampton Street. with the level crossing to the left, traffic can be banked up for some time. This hazard is exacerbated by vehicles attempting to enter/exit the car park, also reversing from the angle parking on the left. Service Street has become a rat run from Sargood to Hampton Streets. It is disingenuous to suggest commuters use buses to any great extent - the buses go to Berwick & Carrum & are invariably empty; to get to St Kilda by bus can take 45 minutes & 15 by car.
5. Loss of trees & vegetation - in this block bounded by Service, Gillies, Crisp & Deakin Sts., there are now only 10 houses with gardens. The rest have been lost to the development of apartments & town houses, where entire blocks have been completely cleared. With this development, it is proposed that ALL trees be removed, leaving one Southern Mahogany Gum (tree 12) which, in the words of the arborist, is a: Massive tree of a species renowned for its limb shedding propensity. Of low to medium suitability for retention in any medium density development. Bayside Council does and should encourage retention of trees and the canopy.
6. Finally, during construction, this development will have a major impact on the area eg.trucks removing vast quantities of excavated material, transport of tilt slab concrete sections & concrete agitator trucks, cranes etc - we have had a couple of years of this in Service & surrounding streets, resulting in noise, restricted parking & and through access, constant holdups, broken drain covers, crushed curbs & destroyed nature strips.
Having lived in Service Street for over 30 years we have noticed that in a very short space of time, over-development is transforming Hampton from a place of trees, gardens & birds to a charmless conglomerate of second-rate buildings. This development will result in the destruction of 4 solid, beautiful old homes - European countries protect their heritage, why can't we?

I urge that at this meeting, Bayside Council resolves to:

(a) issue a "Notice of Decision to Refuse to Grant a Permit" to the proposed development application

(b) provides legal representation to defend such decision at the VCAT Hearing on November 23, 2020.
21. Mr Graham Robertson (O)

**Bayside Planning and Amenity Committee Meeting- August 11, 2020**

"Request to be Heard" Submission

**Application Reference:** 5/2019/662/1

**Address of Land:** 28-34 Service Street, Hampton. Vic. 3188

**Agenda Item Number:** 4.4

My name is Graham Robertson and together with my wife, we live at 2/26 Service Street, Hampton. Our property is adjacent to the proposed development on the western side and shares a boundary of approximately 28.4m.

We have lived in our home for 9 ½ years and were attracted to Service Street for its renowned neighborhood character with its many period homes; its natural environment with beautiful residential gardens and lots of mature trees; its low density living with predominantly single story detached houses on single residential blocks; and the overall “village feel” of the Hampton residential area.

Our main bedroom, bathroom and study on the ground floor are in close proximity (1.8m) of the adjoining fence; and there is an additional bedroom plus parent’s retreat/reading/relaxation room on the second level of our home.

Imagine this… each morning we have a coffee in bed to start the day. We look out of our bedroom window and see the natural surroundings adjacent to us, listen to the birds in the trees and see the orange/pink sunrise filtering through the trees as natural light floods the room… very uplifting to the spirits. In the adjacent study we also enjoy this natural aspect and plenty of natural light whilst we work from home during the day.

However this will significantly change. We will wake up each morning to a 3m fence due to a 1.2m back-fill on the western side the development which raises the ground level to of the development half way up our existing 1.8m fence; 24 of the 25 trees across the four blocks which make up this development will be destroyed; and the massive 11.02m structure, more than twice the height of our property, towers over our property and not only blocks our sunrise, but significantly reduces the natural light coming through the glass windows and doors on both levels of our two story home.
Beyond this, the overlook and inadequate setbacks will impact our privacy in the bedroom, bathroom, study and patio area along the adjoining boundary, particularly from the 9 apartments on the western side of the building. This off-site amenity impact has a significant detrimental effect on life as we currently enjoy, and it is invasive and unacceptable.

More generally, the Neighbourhood Character Precinct F1 guidelines contained in Attachment 3 and Attachment 5 of the report, especially the “design responses” and the “avoid” guidelines have not been met:-

1. Four perfectly good and well maintained period homes will be demolished. The proposed development is not one site with structures of questionable quality and condition, it is an aggregation of four beautiful period properties which the developer does not currently own, and which they will demolish.

2. Four beautiful gardens will be destroyed and not replaced with equivalent gardens in the development

3. There is significant destruction of existing vegetation and trees. In fact, 24 of the 25 trees across the four existing residential blocks will be cut down. Significantly however, 7 trees slated for removal are “local law protected trees”, and 4 of them were determined to be in good health and with high amenity value, and recommended by the Council Arborist to be retained. Additionally, and I quote from Section 6.5 Landscaping… “the consulting arborist and the Council arborist confirmed that these trees cannot be retained by the current development unless the ground floor building footprint is reduced significantly”. This recommendation has been ignored.

4. The 6 level, commercial scale, resort style apartment development will dominate the existing streetscape and will unreasonably alter the street’s character. It does not respect the existing neighbourhood character of the Service Street and the surrounding neighbouring precinct… it fails to develop the area in a manner that conserves and enhances its valued character of low rise, low density period houses. As the report states … it looks very different to its surrounds.

Over and above these critical objections to the approval of this development application, I have the following additional objections:-

1. The proposed development is inconsistent with the Planning Policy Framework within the Bayside Planning Scheme.

2. The communal roof top swimming pool, BBQ and entertainment area will result in excessive noise, reduced privacy and loss of amenity as a directly adjoining property in a quiet residential street. It also exceeds the mandatory maximum height and increases the visual bulk of the building
3. The close proximity of the proposed entry/exit to the western car park to our adjoining property will create significant noise and loss of amenity, and more broadly, safety issues for neighbourhood properties and cars travelling along Service Street.

4. The 140% increase in dwellings in the immediate Service Street precinct due to the proposed development will significantly increase traffic volume and noise, and reduce street parking availability which is already at a premium.

5. The proposed development is an overdevelopment of the site and it fails to achieve architectural urban design outcomes that contribute positively to the local urban character while minimizing detrimental impact on neighbouring properties.

In these unprecedented COVID-19 times, society has reassessed what is really important. A significant majority have concluded that there is no place like home, and have become more connected to family, friends, neighbours and their neighbourhoods and communities. People crave the time they can leave their homes each day for exercise and to appreciate the character and nuances of their neighbourhoods to keep them mentally healthy as well… and this is what Hampton, and more broadly Bayside, is known for.

The conflicting objectives of respecting current low density Neighbourhood Character versus future Intensive development can be hard to reconcile. As the report says “one foot on the brake, and one foot on the accelerator”.

In this situation, I strongly encourage Councillors to give more weigh to retaining the current character of Service Street and the surrounding neighbourhood precinct, rather than supporting this massive overdevelopment in a suburban street which is the wrong project, in the wrong place, at the wrong time. Councillors have the opportunity to make this right for Service Street and surrounding residents, especially with the developer not respecting the due processes of Council, nor the rights of residents to be heard properly through direct physical presentation at this important Council Planning meeting, by escalating directly to VCAT.

My Request of the Bayside Council:

b) That the Planning and Amenities Committee resolve to not support the Granting of a Permit for this application.

That the Bayside Council resolve to provide legal representation to defend such decision at the VCAT Hearing on November 23, 2020.
22. Mr Andrew Keys (O)

OBJECTION TO APPLICATION NO. 5/2019/662/1

ADDRESS 28 Service Street HAMPTON, 30 Service Street HAMPTON, 32 Service Street HAMPTON, 34 Service Street HAMPTON

Your contact details

First name: Andrew
Last name: Keys
Email: andrew.keys@keysthomas.com
Phone: 0400400380

Second objector details

First name: Libby
Last name: Callaway
Email: libby.callaway@monash.edu
Phone: 0421356359

As long term residents of the Bayside municipality, we understand the desirable nature of this area and thus the significant pressure on both land availability and price that leads to the growth of higher density development in Bayside. However, we implore the Bayside City Council to actively oppose the highly inappropriate demolition of the period homes existing at 28-34 Service Street, Hampton (four large, period homes currently in place – see images 1-4 below) with a proposal to replace these with 39 apartment dwellings.

The destruction that this development will cause to beautiful, historical and fully fit for purpose housing and gardens to make way for a high density, 39 apartment development in the low density, residential side street is unjustified.

The environmental and heritage damage which will be enacted by this proposed development is inappropriate on many levels. It poses long term problems for traffic flow and pedestrian safety, storm water and other waste management, as well as wildlife and other ecosystems that exist on this large parcel of land.

Our original objections to this development continue to stand, and are summarised further below:

1. Environmental concerns

The increased building density from 39 dwellings replacing 4 homes requires many trees and much natural permeable ground to be removed. We would expect this to have a significant negative impact on local bird-life and the water table which naturally nourishes surrounding residences.
2. Loss of historical/neighbourhood character concerns

While the larger residential block surrounded by Crisp, Gillies, Service and Deakin Streets is zoned for higher density the proposed development of 39 dwellings, replacing 4 period homes, inside a precinct which has for decades and decades offered treasured residential lifestyle opportunities for local families and residents, is at complete odds with the historical character of the broader neighbourhood and surrounding streets.

3. General community concerns

The proposed development of 39 dwellings, replacing 4 period homes, will see an increased population of 100-120 people, 90 more cars, an increase in private vehicles parked on the street causing more traffic congestion, more noise and more pollution in Service Street. The increased population density also proposes waste management and social distancing considerations not as applicable to more modest development proposals.

Our objection to the proposed development therefore remains strongly focused on these environmental concerns, loss of historical/neighbourhood character concerns, and general community concerns.

Regards,

Andrew Keys and Libby Callaway

Image 1: 34 Service Street, HAMPTON
23. Dr Ruben Branson (O)

28-32 Service Street
Hampton

I strongly object to this development which should not be built, and a permit should not be granted
- This is an unprecedented and massive over development. The sheer scale of this development is far too
  big with too much bulk visual bulk. It takes up a very large street area and dominates the street.
- The development will completely ruin the neighbourhood character and garden setting of the suburb.
- Destroying twenty-four trees in the process is unacceptable and is putting profits before any
  environmental concerns. It is also a sign of an inappropriate design response to the
  character of the street and surrounding neighbourhood.
- The Development will result in unreasonable amenity impacts for ourselves and surrounding residents.
- Three storeys with a fourth story/open rooftop swimming pool / entertainment area will cause an impact
  to our property and is unacceptable in a predominately 1 to 2 storey neighbourhood street.
- We will be overlooked by the height of the property, exacerbated by the fall of the land, therefore losing
  the current privacy of our backyard and also our internal dining area. (large East facing window).
- Noise levels due to parties /swimming / entertaining on the open top level will be disruptive to our
  peaceful and quiet enjoyment of our property and therefore affect our well-being.

I fully object to this development application.

Regards,
Ruben Branson
OBJECTION TO APPLICATION NO. 5/2019/662/1

ADDRESS
28 Service Street HAMPTON, 30 Service Street HAMPTON, 32 Service Street HAMPTON, 34 Service Street HAMPTON

Your contact details
First name : Steven
Last name : Crutchfield
Email : sccrutchfield@hotmail.com
Phone : 0439612461

Second objector details
First name : Kate
Last name : Fisher
Email : kate.fisher.1@gmail.com
Phone : 0430022755

As long term residents of the Bayside municipality, we understand the desirable nature of this area and thus the significant pressure on both land availability and price that leads to the growth of higher density development in Bayside. However, we implore the Bayside City Council to actively oppose the highly inappropriate demolition of the period homes existing at 28-34 Service Street, Hampton (four large, period homes currently in place – see images 1-4 below) with a proposal to replace these with 39 apartment dwellings.

The destruction that this development will cause to beautiful, historical and fully fit for purpose housing and gardens to make way for a high density, 39 apartment development in the low density, residential side street is unjustified.

The environmental and heritage damage which will be enacted by this proposed development is inappropriate on many levels. It poses long term problems for traffic flow and pedestrian safety, storm water and other waste management, as well as wildlife and other ecosystems that exist on this large parcel of land.

Our objections to this development are summarised below:

1. Environmental concerns

The increased building density from 39 dwellings replacing 4 homes requires many trees and much natural permeable ground to be removed. We would expect this to have a significant negative impact on local bird-life and the water table which naturally nourishes surrounding residences.
2. Loss of historical/neighbourhood character concerns

While the larger residential block surrounded by Crisp, Gillies, Service and Deakin Streets is zoned for higher density the proposed development of 39 dwellings, replacing 4 period homes, inside a precinct which has for decades and decades offered treasured residential lifestyle opportunities for local families and residents, is at complete odds with the historical character of the broader neighbourhood and surrounding streets.

3. General community concerns

The proposed development of 39 dwellings, replacing 4 period homes, will see an increased population of 100-120 people, 90 more cars, an increase in private vehicles parked on the street causing more traffic congestion, more noise and more pollution in Service Street. The increased population density also proposes waste management and social distancing considerations not as applicable to more modest development proposals.

4. Obstruction & deterioration of outlook, horizon and vista

At three-plus storeys, this development will dwarf any buildings around it and severely impact the views, vista and horizon for all residents in the area. It would take it from single or double level, historical houses with beautiful, long term Australian native trees to a barren building that would be more befitting for a CBD location as opposed to a historical, low key neighbourhood.

Our objection to the proposed development therefore remains strongly focused on these environmental concerns, loss of historical/neighbourhood character concerns, general community concerns and deterioration of vista.

Regards,

Steven Cruthfield and Kate Fisher

Aerial View of trees and habitat for local wildlife.
25. Mr Andrew Rodd (O)

Bayside Planning and Amenity Committee Meeting- August 11, 2020

“Request to be Heard” Submission

Application Reference: 5/2019/662/1
Address of Land: 28-34 Service Street, Hampton. Vic. 3188
Agenda Item Number: 4.4

I have and continue to live in Hampton with my Partner and four children (ages 12, 8, 3, 2). I see Hampton as providing the optimal environment for Australian families and continue to see its value to Melbourne being in that form going forward.

My objections to this development is both on the grounds of its inconsistencies with the various intent of the urban planning frameworks and then the impact it will have on myself and neighboring families more directly.

Dimension 1: Inconsistencies with the intent of urban planning guides

In general

This proposal does not comply with the planning scheme in the following specific areas:

1. The development fails to adequately respond to the objectives of various components of the Neighborhood Character Policy, Precinct E2 in that it
   a. fails to maintain or enhance the garden setting of the precinct
   b. fails to maintain the spaciousness of the setbacks and rhythm of visual separation between buildings within the streetscape
2. The proposal fails to comply with the objectives and standards of Clause 55 of the Bayside Planning Scheme, in particular
   a. Standard B1 (Neighborhood Character) – The proposal fails to respond to the existing and preferred neighborhood character for this precinct
   b. Standard B17 (Side and Rear Setbacks) – The proposed side setbacks fail to respect the existing and preferred neighborhood character or limit amenity impacts on adjoining dwellings
3. The development fails to adequately respond to the Neighborhood Character Policy, Precinct F1, in particular
   a. The development fails to respect the identified heritage qualities of neighboring buildings
   b. Inconsistent with the preferred future character of the neighborhood precinct due to insufficient separation between buildings both within the development and with adjoining properties, which is encouraged to create the appearance of space between buildings and accommodate substantial vegetation
4. The development creates meaningful overlooking on neighboring property 36 Service St’s outside alfresco area.
   a. We note that the application plans identify 36 Service St’s primary secluded open space as “undercover”. However, this area enjoys the flexibility of an operable louvre system to ensure both significant outlook and solar access.
   b. We would not want Council/ VCAT to consider this area permanently ‘roofed’ or ‘undercover’. This area is incorrectly nominated as a closed roof area of the submitted plans.

In addition to these specific issues, overall the proposal represents a gross overdevelopment of the subject site, this is demonstrated by:
- the overall street frontage representation along Service St
- the significant use of frosted glass as a result of overlooking
- the extensive use of COMMUNAL rooftop area (BBQ, Pool and Entertainment) that will provide significant noise and overlooking to the rest of the area

Dimension 2: My Family and other families in the environment

The sheer scale and style of the development will have a differentially negative impact on the lives of families in the Hampton village. Dimensions to that negative impact include:
- Heritage feel: the houses proposed to be developed are in good condition and have been renovated they are in an area of heritage overlay opposite and represent a very family orientated street
- Traffic: the number of dwellings in this one area will have a profound impact on traffic in a street that is currently heavily used by pedestrians, young children on bikes and scooters and for families to exercise and connect
- Sense of community: the streetscape provides a strong contribution to the overall sense of community and connectedness
of residents in Hampton, an increasingly important dimension in these and future times
- Working from home: as a nearer term, many families have been and will continue to be extensively working from home this development both in its final form and the disruption during the building process make it much less tenable for families with a working from home requirement of children studying

Additionally for me personally with 36 Service St directly adjoining, it will be untenable for a family with any significant working from home arrangement and/or children studying for school to effectively work whilst such a major development is occurring and may result in the house needing to sit vacant for multiple years at significant financial cost.

Closing

We are living through extraordinary times. The impacts of COVID-19 have and will continue to have an impact on how we all live our lives. Their will need to be significant re-thinking by government on suburban development guidelines.

This development of gross over-development and maximized densification will over time prove to be on the wrong side of history. Four blocks rolled into one single is on the very large end of developments at is not necessary to cater for the growing population. It is simply an example of developers that have opportunistically manipulated four property owners through various levers of persuasion to create a parcel that allows them to maximize financial returns at the cost of all other intents by planning departments and social guidelines. The fact that the developers did not even attempt to reach out to the objectors or go through the local council process is an example of that.

The decision on this development gives Council an opportunity to demonstrate the significance of its role in the planning process. Rejecting this development would be an understandable outcome in any economic / social environment. This is amplified by current pandemic that will inevitably continue to grow and evolve with time, but will retain very real uncertainty. This is a very clear opportunity for Bayside Council to stake its authority on the planning process and demonstrate the forward thinking approach to planning that its constituents would like to see.

Andrew Rodd
Dear Councillors,

PLANNING PERMIT APPLICATION 2019/662/1 – 28-34 SERVICE STREET, HAMPTON

Thank you for the opportunity to make this submission on behalf of the permit applicant, Launch No. 7 Pty Ltd, in relation to Planning Permit Application No. 2019/662/1 at 28-34 Service Street, Hampton. The application seeks the construction of 39 apartments within a three-storey building over basement car parking. The construction will require an investment exceeding $17 million and will provide significant employment opportunities. The new dwellings will respond to the Bayside Housing Strategy which seeks to increase and diversify housing stock in targeted locations such as the Hampton Major Activity Centre.

This proposal has undergone an extensive collaboration process with Council officers through pre-application meetings and ongoing discussion to refine the design and layout. We understand the applicant’s legal representatives lodged a ‘failure to determine’ appeal, however, this has not affected our ongoing discussions with officers and our commitment to resolve outstanding referral comments and work towards the recommendation put forward. The officer’s recommendation is reflective of the collaborative process, and we support their professional recommendation for approval.

Given the unprecedented economic challenges as a result of the Covid-19 pandemic, it is imperative that the economic benefits of a proposal are properly appreciated, especially given the planning context that encourages this type of development at the subject site and the officer’s supportive recommendation. We note that one of the strategies for economic development at clause 21.07 of the Bayside Planning Scheme is "to facilitate high quality commercial, residential and mixed use development within and adjacent to the retail core and on large sites in Major Activity Centres".

Notwithstanding the economic benefits, the proposal demonstrates overwhelming compliance with the Bayside Planning Scheme, is an exceptional high quality design and demonstrates a great level of sensitivity to its context. We urge Councillors to support your officer’s recommendation noting:

**Strategic considerations**

- The site is located within Hampton Street Major Activity Centre and is covered by the DDO12, a location where new medium density housing is specifically directed.

**Height**

- The maximum building height in the planning control (DDO12) is 12 metres, to which the proposal complies and a condition has been recommended by the officer to ensure this.

**Built Form and Rescode Compliance**

- Minor areas of non-compliance such as setbacks and balcony dimensions are addressed via proposed permit conditions.
Carparking
— The Planning Scheme requires 73 spaces and the proposal provides 90 spaces. This is an additional 17 car parking spaces to the statutory requirement.

Neighbourhood Character
Neighbourhood character has been raised as a concern by objectors. However, as has been recognised by the planning officer, the planning framework recognises a need for change in character around the Hampton Street Major Activity Centre. We refer to page 314 of the Officer Report where a contradiction between neighbourhood character objectives and strategic intent of the DDO12 and housing strategy is observed:

- ‘Failure to acknowledge such a contradiction would result in an assessment whereby one would effectively ‘have one foot on the accelerator and one foot on the break’. I.e., the intensive development sought under the DDO12 (and various other State and Local Policy) would be severely restricted by the objectives of Clause 22.06 (Neighbourhood Character Policy) that effectively requires development to respect the surrounding, largely single and double storey housing stock.’
- Further, it is noted that ‘There will obviously be a stark contrast in character between those buildings constructed under the current planning controls (or those being assessed like this current proposal) and the existing housing stock that was built many years ago under a very different planning regime.’

The proposal achieves the general design objectives of the DDO12 through a contemporary and site responsive design that has been broken up to reduce its mass and bulk when viewed from all elevations. The setbacks around the site and the break in the middle of the street frontage also allow for extensive areas of deep-soil planting to respond to the valued landscaped character. Overall, the proposal is highly respectful of its context and reflects the emerging character of the streets around Bayside’s activity centres where new development is being specifically directed.

Trees
— A 22-metre-high Southern Mahogany Gum is proposed to be retained on site. This is an excellent outcome. It is proposed to remove trees of lesser value and implement replacement planting to achieve a significant net gain in terms of vegetation across the site.
— The development proposes 56 new trees and condition 10 will ensure that new canopy trees on ground level will reach minimum of four metres in width and eight metres in height.

We thank you for the opportunity to make this submission. Strategic policy directives, the current economic climate and officer support for this application should be carefully considered against the objections received. On this basis, we respectfully request that you support your officer’s recommendation this evening.

Kind regards,

Andrea Pagliaro
Director
Item 4.5

107 Pellatt Street, Beaumaris
1. Mr Richard Umbers (A)

10 August 2020

Planning and Amenity Committee

Meeting: 11 August 2020

Dear Councillor Mr Rob Grinter – Chairperson (Deputy Major)

Re: Item 4.5
Planning and Amenity Delegated Committee Meeting – 11 August 2020
Planning Permit Application No. 5/2020/2/1
No. 107 Pellatt Street, Beaumaris
Submission to Planning and Amenity Delegated Committee Meeting

We continue to act on behalf of the Permit Applicants, Peter and Aggie Piotrowski (“The Applicants”) with regard to Planning Permit Application No. 5/21020/2/1 (“The Application”).

Thank you for the opportunity to provide further information regarding our application.

It is our understanding that the application is being reported to the Committee due to the removal of two (2) or more items of native vegetation in the Vegetation Protection Overlay Schedule 3 (“VPO3”).

We note that Council’s Arborist has reviewed the application and advises that the proposed vegetation removal is supported due to poor health, structure, low useful life expectancy and low retention value.

The Arborist report submitted with the application identified that one (1) tree required approval under VPO3 before it could be removed. This tree is identified as Tree 10 (Paraseriathes lophentha – Cape Wattle) and native to Western Australia, but considered an environmental weed in many parts of Victoria. This tree is senescent.

The two (2) additional trees appear to require approval to be removed under VPO3 were not originally assessed by the Permit Applicant’s Arborist as they are dead and one (1) tree had in part, fallen over or failed.

The two (2) additional trees were inspected again by the Applicants’ Arborist on 5 August 2020 and a further report prepared. A copy of the further report is attached to this submission.
In summary, the report advises:

“On walking through the site, 2 Australian native trees, or remnants thereof, were found. These 2 native trees are a Soft Tree Fern (*Dicksonia Antarctica*) (Photo 1) and a dead Eucalyptus sp (Photo 2). These trees are both over 2 metres in height and are Australian Natives which means that (theoretically) they are subject to the Vegetation Protection Overlay – Schedule 3 (VPO3), however in reality as the trees are completely dead, a permit should not be required.”

The further Arborist report is consistent with comments provided by Council’s Arborist. We request the Committee’s support for our planning permit application.

Yours faithfully,

Richard G Umbers  
*Peninsula Planning Consultants Pty. Ltd.*
Item 4.6

1 Correa Avenue, Cheltenham
1. Ms Louise Howell (O)

I wish to object to the inappropriate development planned for 1 Correa Avenue Cheltenham.

The following points support my objection and describe how it will directly affect my family as well as the surrounding properties:

I am disappointed at the reckless proposal to remove healthy and beautiful flora. The Willow Myrtle is in good health and fair structure with a 5-10 year life expectancy.

They also plan to remove the large red flowering gum from the front yard, they say it has wounds on the base but even so, it is in good health and fair condition with a 20 year plus life expectancy. It is planned for removal due to the size of the root system and canopy size, which is why it should be kept. Changes to the designs would make this tree a blessing for the townhouse owners. This tree is also a home, and regular feeding spot for many local fauna.

The front gardens of units can't be considered secluded private open space (as noted in the plans) as the fence heights are only 90cm and highly visible from the footpath and by neighbours.

Proposed canopy trees in the front gardens (Luscious Kanooka 8-10m high) is a typical street tree usually grown under powerlines and have little or no low branches meaning that when grown they will not assist in securing privacy for the residents.

The design of the units does not match the neighbourhood character in any way. The reference to the units at the Mirvac estate is irrelevant, as the estate is not included or a part of Pennydale, and does absolutely not fit with the neighbouring area.

The document states the site is surrounded by a mix of single and double storey houses. This is in fact untrue, as their own document shows almost all houses directly near by are single storey.

They have chosen to put a strong bold white colour along the 2nd storey which increases the look as being bulky, loud and in complete contrast to the neighbouring houses.

The high number of potential residents in the units will increase the need for up to at times an extra 6-8 cars in the street. Presently Correa Avenue and Jack Rd cannot physically offer parking places for the extra demand the units will bring, especially with Jack Rd being a busy bus route for the neighbourhood.

The garage size planned will not physically fit most family cars of today. This will effectively make the garages non operational for the intent of off street parking.

The sheer size and number of occupants in each unit will increase noise level to direct neighbours. As no double glazing has been planned, this will cause angst for neighbouring houses.

Original planning proposed two units, I feel this would be a more successful outcome for 1 Correa Avenue. Obviously the developer had the same thought as per his original plans. I hope we can all come to a more realistic and appropriate plan for 1 Correa Avenue Cheltenham.
2. Dr Robert Saunders (O)

Re Item 4.6 Planning and Amenity Committee Meeting 11 August 2020

I am an objector to the proposed development at 1 Correa Avenue

This proposal would be overdevelopment for the area and would create a number of unacceptable precedents. The land is a small block (588 sq m) on which to build 3 double storey dwellings with a total of 11 bedrooms plus an additional 4 studies/retreats which could be used as single bedrooms. This level of development is particularly concerning in relation to the situation after the inevitable subdivision. The majority of the available open space is associated exclusively with Town House 1, leaving the other two town houses non-compliant in terms of the 25m² provision of secluded private open space (SPOS) with a minimum width of 3 metres as required by the standard. Given the number of people that could be accommodated by the number of bedrooms, the internal living spaces and exterior open spaces are clearly deficient.

The proposal fails to meet virtually every set-back requirement in the relevant planning scheme (GRZ1, DDO2, H5 Neighbourhood Character). Each side (north, south, east and west) fails to meet the required set-back. Allowing this development would establish precedents that will cause ongoing problems for the area. As an example, I have sketched the rear setback (north side of property), which not only fails to meet the standard, but also applies the incorrect rear measurement (2 metres instead of 3) so that the actual non-compliance is significantly worse than stated by the proponent (see diagram below).

Incorrect rear setback 1 Correa

- Rear setback and ResCode envelope should be calculated from 3 m (not 2 m)
- Setback intrusion starts at 3.6 m high
- Setback intrusion is 2.54 m at 7 m high
It is all very well for council staff to say that some of these non-compliances have little effect on what are currently passive garden spaces in neighbouring properties, but the future use of these spaces needs to be considered as well. Firstly, existing secluded private open space on neighbouring properties should not be impinged upon beyond what is specified in the planning scheme; and secondly, the potential redevelopment of other dwellings should not be compromised by excessive development on the first property to be redeveloped. For example, it would be unreasonable and inequitable of a future council to not allow a ‘matching’ development on 2 Erskine Ave, facing 1 Correa. However, that would effectively double the non-compliance proposed above. Master bedrooms of Town House 3 on 1 Correa and a matching development on 2 Erskine Ave would face each other, separated by well under 6 metres of flat garage roof. These garage roofs are also likely to contain noisy air conditioning units, as the bedrooms concerned would face west and be exposed to substantial heat in summer, as there is insufficient room for shade trees of any size.

I also believe the proposal does not adequately respect the intended future Neighbourhood Character for the H5 precinct. While the location is near the edge of Pennydale, I do not accept the suggestion (officers’ report page 499 of 1013) that the multi-unit Mirvac development is ‘across the street’. The nearest transitional (2 storey) dwelling in the Mirvac estate is more than 55 metres away in Charlton Avenue and is not even visible from Correa Avenue.

In summary, I submit that this proposal would be an over-development for the area. If Council were to permit the number and extent of non-compliances in this proposal it would create precedents that would undermine the neighbourhood character for the entire area.

Dr Robert Saunders
14 Heather Grove
Cheltenham 3192
3. Mr Derek Screen (O)

1 CORREA AVENUE, CHELTENHAM NOTICE OF DECISION TO GRANT A PERMIT
APPLICATION NO: 2020/121/1 WARD: CENTRAL

Dear Councillors,

I trust this communication finds you well.

I write to confirm my objection to the permit application for 1 Correa Avenue Pennydale for the following reasons and request that you REJECT the permit for this application.

As you know, we in Pennydale do not object to all applications that come up. We only object to those that we consider to be inappropriate or over development. This application meets those criteria.

It is clear from the item details in tonight’s agenda that this development does NOT meet the standards of what is appropriate for this location, or for the Planning Scheme. It is clear that the report author agrees that the plans do NOT meet appropriate standards in a large number of points, yet the report author asks to have this application approved. I find this discrepancy very concerning to say the least. When it comes to applications for planning, it is clear that this is a give and take scenario, with some aspects of an application that may not EXACTLY meet the planning scheme given a pass when it is clear that the applicant has tried very hard to do the right thing not only by the neighbours, and the Planning Scheme, but by the future purchases of the surrounding properties as well. Sometimes, it might be appropriate to let 1 or maybe 2 items slip through to the keeper to enable what would otherwise be not only a mostly compliant application be built, but let a development go ahead that actually does not just fit the numbers in the Planning Scheme, but the INTENTION as well. In this particular case, not only is this application NON COMPLIANT, but it is MAJORLY non-compliant, and the report author goes into incredible detail to SHOW just how non-compliant this application is, yet then suggests that a permit be approved. I simply do not understand this.

In respect to the report section 6.2, it states clearly that the front setback is 900mm shorter than requirement but goes on to state that this is acceptable as it is only the entry and study that stands out. It does not matter what rooms make the setback non-compliant, it matters that it is non-compliant. See the RED shaded area on page 501. The report further states that this minor setback
will not throw out the rhythm of the entire street. I would point out that the planning scheme does not look at the entire street, rather SPECIFICALLY those DIRECTLY AFFECTED, meaning those on either side, and as the report confirms, it is NOT compliant. Whilst I am very happy that the applicant has chosen to retain the large Red Flowering Gum in the front yard – a magnificent canopy tree for the area – that additional 900mm could make a world of difference in this tree’s survival over time and the appropriate setback should be enforced.

The report also states very clearly on page 501 that “The entirety of the eastern first floor setbacks of all three dwellings is non-compliant, with variations between 460mm and 1.03 metres required. The complete northern rear setback at first floor level is non-compliant and variations between 2.33 metres and 2.92 metres are sought.” This is NOT a minor thing to let through to the keeper. The applicant CHOSE, after speaking to officers, to submit revised plans, yet those revised plans did NOT redo the designs to make them compliant, they re-did the plans resubmitting the new ones that were STILL knowingly non-compliant, literally only fiddling at the edges, only this time they submitted side elevations that were NOT labelled appropriately because they STILL SHOWED just how non-compliant they were.

Whilst the report states that these are considered reasonable, I put it to you to answer what do YOU consider reasonable? If you are living 2 suburbs away and these non-compliant figures are put before you, you might consider them reasonable. But if you live next door, or across the street, and you have to put up with these non-compliant structures, I can guarantee you that you will NOT find them very reasonable. There is a VERY GOOD REASON why the Planning Scheme has these figures in it. It is because when the Planning Scheme was written, taking ALL aspects of planning into account, from the rights of the developer, to the rights of those living next door, these figures in the Planning Scheme were what was considered to be reasonable. NOT those in this application. These non-compliant aspects are NOT considered to be reasonable not simply by the fact they do NOT MEET the MINIMUM requirements within the reasonable assessments within the planning scheme, but also because they DO have an effect on the neighbouring properties because they are unreasonable. I would also like to point out that the report mentions on page 503 that “Whilst the numerical non-compliances are quite high, the interface is assessed as a ‘rear’ boundary though for corner sites the relationship of these rear boundaries to those that adjoin are very different to the rear boundary relationships of non-corner sites,” and “The adjacent interface comprises a garage and non-sensitive area of the private open space (again,
this can generally only occur for corner site rear boundary interfaces), and the lack of objection from either of those properties that abut is indicative of there being no unreasonable amenity impacts.” The fact that the adjoining neighbours did not complain about these setbacks has nothing to do with them not caring, rather, if you read the text above from the report, you will note that this type of situation ONLY occurs on corner blocks, and if you read the objections from the abutting properties you will note that they DO object to it, but do not write it as such quite simply because they have had NO experience in objecting to applications, and even less than that with knowledge of how very specific corner blocks are under the planning scheme as detailed in the report. Just because the objectors did not know the intricate details of, or application of very specific sections of the planning scheme, does NOT mean they do not object to these non-compliant setbacks and I ask that you take this into consideration. Remember, the applicant is not asking for a pass on something as little as 25cm here or there, he is asking for a pass for non-compliance of setbacks alone of 46cm, 76cm, 99cm, 103cm, 107cm, 233cm and even a whopping 292cm. These are no small figures in the scheme of things. These are NON-COMPLIANT setbacks AFTER the applicant re-did and re-submitted the plans. I would ask that you please take a good look at the plans which are laden with RED TEXT AND LINES showing all of the non-compliant aspects of this proposal.

Further, the plans not only do not comply in the setback areas, but in OTHER important areas as well. On page 503 the report correctly states that dwellings 2 AND 3 do NOT comply with minimum SPOS. This space is essential not only for private usage, but also to have enough minimum space to EFFECTIVELY GROW canopy trees in. The report seeks to have trees capable of growing to 8m tall, yet the minimum space required to grow a tree of that size is NOT supplied. The report goes on to state that this smaller than normal space is OK because there is also SPOS in the front yard fronting Jack Road, however, the MINIMUM setback from Jack Road is only 3m. With a MANDATED low front fence along Jack Road, PLUS taking into account that the front room overlooking the front yard is only a study and NOT a habitable room (the habitable rooms are located to the rear overlooking and accessible to the non-compliant rear SPOS), PLUS the fact that the mandated 8m tall canopy tree takes up a lot of room, it is simply NOT considered that this front garden space will EVER be usable as SPOS. This reconfirms that this MAJOR section of the plans is VERY non-compliant. Even if this space is to be considered to be usable as SPOS, the only way this can be done is by again asking for non-compliance on the height of the fence line along Jack Road by as much as 80cm and even
then the top half is metal fins that are essentially see-through.

I would also like to add the following further points against this application:

- Whilst this is a corner block and is looked at differently as such, the responsibility is on the APPLICANT to put forward APPROPRIATE plans for the block. If the plans do not fit, the applicant should be going away and coming back with plans that do.
- Whilst the site coverage figure looks small and the garden figure looks high, it should be noted that the reason for this is simply the HUGE garden area afforded that of Unit 1. Looking at the plans, and the text above and from the report, this might be good for unit 1, but is TERRIBLE for units 2 & 3.
- Because of the nature of these plans, it is hard to see that on a block this small the applicant is attempting to OVER-DEVELOP the block by trying to put on 3 units which have 11 bedrooms plus possibly more. It is unsuitable to try to fit this much onto such a small block, especially as it is constrained by the fact it is on a corner block.
- Whilst the report advises that due to Covid it was not possible to hold a consultation meeting, which is of course fully understandable, it does state that there was not enough time to re-advertise the amended plans, which makes no sense to me as the number of days clock resets upon the applicant making further changes, and this should not have been an issue. Further, the report advises that the Objectors were advised of the amendments prior to this meeting which may be true, however, I note that the notification came from Council on JULY 28, and the amended plans came from Council on July 29 being LESS THAN 2 WEEKS to allow for objectors to properly look at the changes put forward, and, that upon receipt, the DATE of the amended plans is shown on the plans themselves to be JULY 2nd which if released to the objectors at that time WOULD have given them more than sufficient time to go over the plans, make more comments, ask more questions and make a further updated suitable judgement. It concerns me that under these circumstances, this application is in front of the Councillors tonight instead of being put back to the meeting set for September 8th or even later and that a Consultation meeting via Zoom was not instigated as what could and should have been. This feels very rushed to me.
- Comments in the report such as “The proposed flat roof will reflect the emerging contemporary roof form” are simply not correct with only a handful of flat roof properties in all of Pennydale, and the Neighbourhood Character H5 clearly document stating that peaked roofs are desired. Statements such as “The area has continued to develop with new single dwellings and multi-unit
developments with a variety of different styles, most notably the large ‘Mirvac development across the street’ are also not helpful, as the Mirvac estate is just that – a predesigned complete stand-alone estate built in a Mixed Use Zone (MUZ) using a Development Plan Overlay (DPO) on top of old commercial buildings sites OUTSIDE of the Pennydale GRZ1 DDO2 H5 area, and as such these things do not correlate. The report also should not be SELLING the application to the Councillors. Whilst explanations are of course expected, if it is necessary to SELL the permit to the Councillors, then the permit should not be approved. In this particular case, it seems to me like the report is doing the utmost to explain away and sell the shortcomings as positives, which they are not. No matter how you look at a lemon, it is still a lemon.

Finally, I recently heard a comment at VCAT that grabbed my attention and I repeat it here. Just because the speed limit on the Hume Highway is 110kph does not mean that you NEED to go at that speed or SHOULD go at that speed. The speed you end up driving at should be dependent upon all the factors around you sat the time and you may feel it best taking everything into consideration to drive at 80kph. Following that thinking, just because you CAN put 3 units onto a block of land does NOT mean you SHOULD, and certainly does NOT mean you should HERE at 1 Correa Avenue, certainly NOT with these plans. The applicant should be refused a permit and the applicant should come back with a design that not only FITS onto the block in full compliance of the planning Scheme, but also fits onto the block in a way that also FITS the current AND future Neighbourhood character of the area through the INTENTION of the Planning Scheme. Considering just how non-compliant these plans are, I ask you to take into consideration the future implications of opening Pandora’s box in this situation and letting such a non-compliant proposal be built. This could not only set an unwanted precedent in Pennydale, but it could also set an unwanted precedent throughout all of Bayside, with developers lining up from Brighton to Beaumaris and everywhere in between looking at Bayside to let them get away with it too, because THIS ONE did.

I would ask that you please take my words into consideration and refuse a permit for this application.

Thanks in advance

Derek Screen
4. **Mrs Jodie & Mr Matthew Gear (O)**

**REQUEST TO BE HEARD STATEMENT**

1 CORREA AVENUE, CHELTENHAM NOTICE OF DECISION TO GRANT A PERMIT APPLICATION NO: 2020/121/1 WARD: CENTRAL

COUNCIL Planning and Amenity Delegated Committee AUGUST 11, 2020

Dear Councilors,

My husband, Matthew and I are writing to reconfirm our objection to the permit application for 1 Correa Avenue, Cheltenham

We live at number 3 which is directly next door to this development. It will have considerable impacts that will dramatically affect our property, our family and how we live our lives.

We are extremely concerned about the inconsistencies and contradictory nature of the report officers’ justifications – both in Non-Compliant numerical facts mixed with opinion, as well as drawing comparisons with the nearby Mirvac development which is a Mixed-Use Zone using a Development Plan Overlay which is completely different to the Pennydale GRZ1 zone and as such should not be compared.

We are reasonable people and we acknowledge the need for growth in the area and expected to see dual dwellings on a block of this size but not 3 units. When speaking to the Planning Officer on the phone on June 9th to raise our concerns, we asked if there have been any other developments of this size on this size of land in Bayside approved to which he replied “not that he was aware of” and shared with us that this development was definitely pushing the limits of size of the block.

This combined with the Non-Compliant nature of the application, we cannot understand how this application could be approved as it is. The Non-Compliance is occurring due to trying to put an unreasonable amount onto the limited land size.

We request the application be REJECTED for the following reasons;

1. **The amount of NON-COMPLIANT issues submitted with this application**
   There is a considerable amount of Non-Compliant points in this application that we urge you to review. This goes against the guidelines of the Planning Scheme
   - Section 6.2 – Front Set Back 900mm shorter than required – Non-Compliant
   - The entirety of the eastern first floor setbacks of all three dwellings is non-compliant, with variations between 460mm and 1.03 meters required. The complete northern rear setback at first floor level is Non-Compliant and variations between 2.33 meters and 2.92 meters.
   - Page 503 the report officer states that dwellings 2 AND 3 do NOT comply with minimum SPOS – Non-Compliant
   - Total setbacks Non-compliant of 46cm, 76cm, 99cm, 103cm, 107cm, 233cm and 292cm
2. **Missing information from the Planning Application**

Information missing from the plans - Both in Garden and New Elevations

The plans suggest certain green spaces and trees sizes but have not provided measurements to support the growth for these trees and in the case of green areas have only addressed as a total block – not the individual units which is misleading.

- The report officer seeks to have trees capable of growing to 8m tall, yet the minimum space required to grow a tree of that size is not supplied
- The Planned SPOS will be compromised due the space required to grow an 8m tall canopy tree which will then be **Non-compliant**
- The site coverage figure looks small and the garden figure looks high but it should be noted that the reason for this is simply the HUGE garden area of Unit 1. This might be good for unit 1, but is detrimental for units 2 & 3
- New side elevation plans were submitted to suggest a design amendment was made to the **Non-Compliant** set backs. They were not labelled appropriately and when independently drawn showed that they were still **Non-Compliant** and were hardly adjusted at all

3. **Lack of Privacy and excessive overlooking of a secluded private open space (SPOS)**

We are very clear in our initial objection letter that this was a major concern for us as the development will overlook most of our property, but more importantly all of our SPOS – which currently is our entire back garden living space. This where we spend 80% of our time and has 100% total privacy all year round. It is the best feature of our house. We also expressed this in person over the phone with the Planning officer on the 9th of June.

- The officers report states that while numerical non-compliances are quite high, the interface is assessed as a ‘rear’ boundary though for corner sites the relationship of these rear boundaries to those that adjoin are very different to the rear boundary relationships of non-corner sites.” and “The adjacent interface comprises a garage and non-sensitive area of the private open space (again, this can generally only occur for corner site rear boundary interfaces), and the lack of objection from either of those properties that abut is indicative of there being no unreasonable amenity impacts.”

If you read the text above this and in the report from the officer, you will note that this type of situation only occurs on corner blocks

Please accept that we have had little experience in objecting to applications such as this nor do we have any knowledge of how specific corner blocks are under the planning scheme. **We do specifically OBJECT to Non-Compliance figures in this plan and the statement in the report - It is a sensitive area of private open space that we use regularly**

4. **Over shadowing and lack of sunlight**

We also have invested a considerable amount of money creating a mature garden and vegetable patch that enjoys both northerly and western sun aspects. The size and height of this development will directly block and reduce necessary afternoon sunlight to our property.

We are concerned this lack of sun will impact the growth of our garden and lawn as well as how we use the space. The height of 2nd Story’s will also create a feeling of being closed in for us and from units 2 & 3.
5. **Increased Noise**

This size of the development is a huge concern. With the potential of occupying 6-8 people in each townhouse, this is 24 people in a 12 Bed building – this is equivalent to a small boutique hotel not a residential property.

- Due to the increase number of occupants, elevated noise levels will directly impact our property and surrounding neighbours as there is no double glazing planned for the development. Also, the alfresco spaces planned for each townhouse all back on to our side fence and will create additional noise and it will further limit privacy and directly impact how we use our entertaining deck and back yard (SPOS)

6. **Lack of Parking suitable to support potential number of occupants**

Parking will also be an issue as there is already a lot of congestion both on Jack Road and Correa Avenue. The garages planned are small and will offer very little off-street parking. Accommodating another 4-6 cars on our street will create further congestion issues. And we note that parking permits for additional vehicles are NOT permitted from Council.

As mentioned in our initial notes – this development pushes the very limit of the Land size and you can see many aspects of these Plans are **Non-Compliant** because of this. It is not with keeping with the Pennydale area and our community. On top of this, the potential impact this could have on Pennydale and the precedent this would set for the wider Bayside community is also of great concern. If this application is approved, it opens up an opportunity for another non-compliant application to built at 2 Erskine Avenue, which will further devalue the homes and the lives of those who reside directly adjacent.

Thank you for considering our points, we respectfully request that you REJECT the application for 1 Correa Avenue Cheltenham.

Jodie and Matthew Gear
5. Mr Chris & Mrs Susan Pettit (O)

REQUEST TO BE HEARD STATEMENT

Dear Councillors

Re: Proposed Development at 1 Correa Avenue
Planning and Amenity Delegated Committee - 11 August 2020

We are objectors to the proposed development at 1 Correa Avenue, Cheltenham.

As it is currently drafted, this proposal represents an overdevelopment for the area and would create a number of unacceptable precedents. Our specific concerns are as follows:

1. The development fails to respect the existing or preferred neighbourhood character of the local streets of Correa Avenue and Erskine Avenue. The majority of dwellings in these streets are single dwellings on a block and detached from side boundaries. The proposal for three double storey attached dwellings on a block size of 582m² is clearly not in keeping with this style.

2. Correa Avenue has no relevant correlation to the Mirvac Development and any references linking the two in trying to get this application approved are meaningless. Mirvac Estate is a Mixed Use Zone and has no bearing on the proposed development to which we are objecting. Correa Avenue is located within the Pennydale GRZ 1 zone which, fortunately, has completely different planning rules which must be adhered.

3. Erskine Avenue and Correa Avenue are relatively quiet streets. As a resident in Erskine Avenue, we do not want a precedent set for such inappropriate overdevelopment and risk this potentially occurring at either number 1 or number 2 Erskine Avenue.

4. We are concerned with the number of people who may reside at, and / or visit, these proposed dwellings and the potential for increased noise levels to impact neighbouring residences in our quiet neighbourhood.

5. A development of this size results in increased congestion in terms of car parking and traffic. When combined with the increased traffic from the nearby Mirvac development off Jack Road, the number of cars already parked in Jack Road (near Erskine Avenue and Correa Avenue), and the number of large vehicles (i.e. buses and trucks) that use Jack Road as a through road, this development will significantly increase the risk to other road users, namely pedestrians, cyclists, and other residents.
The planning scheme was designed for a purpose and it is incumbent upon Bayside Council to ensure the scheme is respected and adherence is complied. It has been very concerning to review the number, as well as the variety, of non-compliances with this proposed development. This development does not meet appropriate standards in a significant number of areas and revised plans were still non-compliant. Based on the abovementioned concerns, among others, we are asking that the Councillors reject the permit for this development.

Chris & Susan Pettit
21 Erskine Avenue
Cheltenham 3192
6. Mrs Rebecca Blakey (O)

REQUEST TO BE HEARD STATEMENT

1 CORREA AVENUE, CHELTENHAM

NOTICE OF DECISION TO GRANT A PERMIT APPLICATION NO: 2020/121/1

WARD: CENTRAL COUNCIL Planning and Amenity Delegated Committee AUGUST 11 2020

Dear Counsellors,

We are writing to confirm our objection to the permit application for 1 Correa Avenue, Cheltenham for the reasons outlined below and request that you reject the permit for this application.

This development does not meet the standards of what is appropriate for this location, or for the Planning Scheme. The report author agrees that the plans do not meet appropriate standards on a considerable number of points.

1. **Erosion of the look & feel of the neighbourhood.** The development fails to respect the existing neighbourhood streets of Correa & Erskine Avenue. The majority of dwellings in these streets are single dwellings on a block and detached from side boundaries. The proposal for three double storey attached dwellings on a block size of 582m² is clearly not in keeping with this style.

2. **Incorrect referencing.** Correa Avenue has no relevant correlation to the Mirvac development and any references linking the two in trying to get this application approved are meaningless. Mirvic estate is Mixed Use Zone and has no bearing on the proposed development to which we are objecting. Correa Avenue is located within the Pennydale GRZ1 zone, which has completely different planning rules that must be adhered to.

3. **The removal of several healthy trees.** Correa Avenue is home to lorikeets, magpies, larks, honeyeaters, wattlebirds, doves, butcherbirds and tawny frogmouths to name a few and these trees serve as part of their habitat. Even if replacement trees are planted, it will take years for them to establish and provide any sort of sanctuary for our beautiful native birds. Please stop removing all vegetation in the name of development. If not for us, for the future of our children and their children. Sadly, they will reap what we sew if we continue to down this path of profit before environment.

4. **Lack of privacy & increased noise for residents & neighbours.** The lack of regard for usual property setbacks, will also be extremely detrimental to the quality of life of surrounding neighbours. There is a subdivision of 2 very large houses at the back of our property with very little outdoor space. Their lack of real outdoor space means that we can hear their conversations and their music and we assume they can hear ours – the is no privacy for anyone anymore. This highlights first-hand what our neighbours in 3 Correa Avenue will experience if this development goes ahead. Correa Avenue is a quiet street, these developments will create considerably more noise for surrounding neighbours and be detrimental to quality of life.

5. **Lack of useable outdoor space.** If the last few months have taught us anything, access to proper, useable outdoor space is imperative. At 3-4 bedrooms, these houses will be marketed towards families. These families deserve to have proper, useable outdoor space, the current plans do not provide this.

6. **Increased traffic in Correa Avenue & Jack Road.** The high number of potential residents in the units will increase the need for an extra 6-8 cars. Correa Avenue and Jack Rd cannot
physically offer parking places for the extra demand the units will bring, especially with Jack Rd being a busy bus route for the neighborhood. The garage size planned will not physically fit most modern family vehicles. This will effectively make the garages non-operational for the intent of off-street parking. Correa Avenue is a quiet street, children play in the street (supervised) and it is one of the greatest pleasures of childhood that needs to be cherished. There is a real community feel in our street, brought about by families gathering to watch their children play. More cars means less freedom for children and yet another street where it’s not safe to play.

We are not opposed to development, but 3 houses on a block this size is totally inappropriate, as highlighted by the numerous non-compliances of the plans.

If Council were to permit the number and extent of non-compliances in this proposal, it would create precedents that would undermine the neighborhood character for the entire area.

It goes without saying that more families deserve to experience living in this area, but it is a very fine balance. If we over develop this area, we will ruin it for all the very things that we hold dear.

Thank you for your time and consideration.

Yours sincerely,

Rebecca & Patrick Blakey
To whom it may concern,

My family and I wish to object to the inappropriate development planned for 1 Correa Ave, Cheltenham; many thanks for giving us a platform to voice our concerns.

1. **Impact on the Character of the Pennydale Neighbourhood:** The development fails to respect the existing neighbourhood streets of Correa Ave and Erskine Ave. The majority of dwellings in these streets are single dwellings on a block and detached from side boundaries. The proposal for three double-storey attached dwellings on a block size of 582m² is clearly not in keeping with this style. This size of the development is a big concern for us. Each of the three townhouses will potentially occupy 6 – 8 people; up to 24 people in total on a block less than 600 sqm. We believe this is not in keeping with the character of the street and the area in general.

2. **Incorrect Referencing:** The reference in this application to the units at the Mirvac estate is irrelevant, as the Mirvac estate is not included or a part of Pennydale. Mirvac estate is Mixed Use Zone and has no bearing on the proposed development to which we are objecting. Correa Avenue is located within the Pennydale GRZ1 zone, which has completely different planning rules that must be adhered to.

3. **Lack of Privacy and Increased Noise for Residents and Neighbours:** Correa Avenue is a quiet street. We believe that these developments will create considerably more noise for surrounding neighbours. Due to the increase number of occupants on this block (in reality, this could be up to 24 people), we can expect elevated noise levels, which will directly impact surrounding neighbours, given that three townhouses are proposed for this small block.

4. **Lack of useable outdoor space:** These developments will most likely be marketed to families, given their internal footprint. However, they come with a complete lack of outdoor space, which is imperative, especially at a time like this. These families deserve to have proper, useable outdoor space; the current plans do not provide this.

5. **Increased traffic in Correa Avenue and Jack Road:** This application proposes three 4-bedroom townhouses on this block, which is less than 600 sqm. The townhouse plans look like there is little storage space in all three, meaning that the single garage proposed for each development will more likely act as a storage garage instead. In reality, this will mean that there will be an increase of up to six cars parking on Correa Ave, and also increase the traffic flow to this small street. There is already a lot of congestion both on Jack road and Correa Avenue as it is. We believe this lack of parking facilities in the proposed plan, and the resulting increased parking on the street is grounds for objection. Our children (along with children from other houses) play on Correa Ave, one of the only streets in the neighbourhood that we see this happen consistently, something that would be completely eroded with increased traffic on Correa Ave.

6. **Setbacks of the proposed development:** The northern and eastern setbacks both use every inch of the available development envelope to enable the building to fit on the block. The objective of provision 55.04 is "To ensure that the height and setback of a building from a
boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.” The setback provisions are not a target for development to achieve. They are there to provide the absolute limit of what is allowed. By targeting these limits on two sides of the development, it is not respecting the existing dwellings nor the character of the neighbourhood.

Ultimately, we believe that if Bayside council were to permit the number and extent of non-compliances in this proposal, it sets the precedent for other developments such as these for this area. We moved to this area ten years ago to have and raise our children. We believe other families should have the opportunity to experience this pocket of Bayside, where our children can still scoot and cycle up and down Correa Ave without fear. If we overdevelop this area, we will ruin it for all the very things that we moved here for.

Many thanks in advance,
Meabh Cullinane and Tim Ammundsen
8. Mr James Stuart-Menteth (A)

Bayside Planning and Amenity Committee

11 August 2020

1 Correa Avenue, Cheltenham

Agenda Item 4.6

Written submission on behalf of the Permit Applicant

Key points

- Acceptable density and yield for a corner site within the GRZ within a ‘future residential growth area’ according to local policy
- High level of compliance with the Neighbourhood Character Guidelines
- Excellent landscaping opportunities are provided throughout the site as demonstrated by the landscape plan
- The Red Flowering Gum in the front setback to Correa Avenue is retained
- Numerous changes made to the design based on officer advice
- Further changes were made as a Section 57a amendment following advertising in response to objector concerns

Summary

Our clients have sought construction of three double storey dwellings on this corner site in the GRZ. There is strong policy support at both the state and local levels for this type of development on this site. The proposal has sought to balance policy support with character and amenity considerations.

In good faith, a number of significant changes were made to the proposal following advertising. Upon review of the objections, it became clear that the Red Flowering Gum in the front setback to Correa Avenue is a tree that is highly valued by the community. As such, some modifications to the design were made in order to facilitate retention of this tree.

Further, in response to concerns raised by the neighbour to the east and concerns raised by Council relating to this interface, various changes such as reduced parapet heights and chamfered walls were incorporated for an improved bulk and mass response and to ensure compliance with Standard B17 along this boundary.

We also note that Council expressed some concern in relation to the streetscape presentation along Correa Avenue. In response, the eastern wall of the ensuite and walk in robe of Townhouse 1 was
reduced in height to approximately 5-3-5.4m above NGL (varies due to slope) and a 45-degree pitch was added.

We support the recommendation as printed and consider it appropriate for Council to approve the application.
Item 4.7

88 Reserve Road, Beaumaris
Mr Jamie Paterson (O)

RE: 88 RESERVE ROAD, BEAUMARIS
APPLICATION NO: 2020/114/1

Dear Bayside Councillors,

I object to the planning application for the redevelopment of the Frank Reed (Sports) Pavilion at Beaumaris Memorial Community Centre on the following grounds:

Removal of Tea Tree (#46)

Tree # 46 is healthy, well structured (for Coastal Tea Tree) and provides significant amenity, character and habitat of the BMCC precinct. If you truly support the VPO, the Tree Canopy strategy and the Climate Change Emergency, then you must support retention of this significant tree.

There is more than sufficient space to build an enhanced Sports Pavilion without removing tree 46. Council should have briefed the architects that removal of VPO protected trees would be unacceptable.

Council’s Urban Strategy Dept and Cohen Leigh Architects released concept drawings at the Beaumaris Art Group "drop-in session" included references to similarly sized & structured Coastal tea trees to the south of the BAG. Architects and Council officers went to pains to make the point that they were unable to extend the BAG footprint southward because of these trees. Yet less than 50m away, the architects and planners have no qualms in removing a much more publicly visible specimen.

If this specimen was on private property or a street tree, and subject to a Planning Application, we would be confident that Council planners (and Councillors) would reject any application for removal. We could cite numerous planning applications examples over the last three years where this is the case. We argue the context and location of this tree is more significant than most that you have advocated to retain on private land.

The character of the precinct is vastly enhanced by retention of tree #46. It would provide separation and vegetation coverage for a new Sports Pavilion from the vantage of the Cenotaph, public open space, BAG studios and U3A building.

The heritage value of the BMCC precinct as a place (as defined in the Burra Charter) would detail that the trees are a significant contributory element. In particular the outlook from the Cenotaph, Open quadrangle and Beaumaris Art Group (BAG) studios is of established and varied indigenous flora. Removing VPO protected trees will significantly impact the character of the precinct.
Planning considerations and process

Council have not conducted effective community consultation for the Frank Reed (Sports) Pavilion redevelopment. We believe the Beaumaris Soccer Club have been privy to briefings and feedback sessions with Councillors, Council staff and architects, whereas other community groups and ratepayers have had no opportunity to engage in the process. There was to be a public "drop-in session" similar to the one they had for the BAG redevelopment. After cancellation due to Covid-19, no further efforts were made to consult with the community. No updated plans were published online or any virtual forum or communication sent to update the community on the project.

Whereas the application states:
6.4. Cultural Heritage management plan
The site is not located within an area of cultural heritage sensitivity and therefore a cultural heritage management plan is not required.

Council’s own heritage consultants (Context) have recommended heritage protection for the Beaumaris Memorial Community Centre precinct. At the November 2019 Ordinary meeting, Urban Strategy Dept removed Context’s citation for the BMCC precinct from their report which also included 9 residential and 11 further Council owned buildings. Hence, instead of the heritage recommendation for the precinct having being sent to the Planning Minister for ratification, it’s been delayed unnecessarily and design and planning application for the Sports Pavilion has been allowed to proceed, even though Council knows a decision is pending on the heritage recommendation. The lack of any mention of the pending heritage consideration for the precinct is a glaring omission from this application.

No detailed landscaping plan for the precinct has been provided with the planning application, only a poorly detailed replanting schedule for root stock in small garden beds adjacent to the Sports Pavilion. Whilst the application references the replanting of 10 canopy trees, there is no mention of where these might be replanted. They are not identified in site drawings. If this was a planning application for a private development, this would be absolutely unacceptable.
2. Mrs Annie Price (O)

RE: 88 RESERVE ROAD, BEAUMARIS
APPLICATION NO: 2020/114/1

Dear Bayside Councillors,

I object to the planning application for the redevelopment of the Frank Reed (Sports) Pavilion at Beaumaris Memorial Community Centre on the following grounds:

Removal of Tea Tree (#46)

Tree # 46 is healthy, well structured (for Coastal Tea Tree) and provides significant amenity, character and habitat of the BMCC precinct. If you truly support the VPO, the Tree Canopy strategy and the Climate Change Emergency, then you must support retention of this significant tree.

There is more than sufficient space to build an enhanced Sports Pavilion without removing tree 46. Council should have briefed the architects that removal of VPO protected trees would be unacceptable.

Council’s Urban Strategy Dept and Cohen Leigh Architects released concept drawings at the Beaumaris Art Group "drop-in session" included references to similarly sized & structured Coastal tea trees to the south of the BAG. Architects and Council officers went to pains to make the point that they were unable to extend the BAG footprint southward because of these trees. Yet less than 50m away, the architects and planners have no qualms in removing a much more publicly visible specimen.

If this specimen was on private property or a street tree, and subject to a Planning Application, we would be confident that Council planners (and Councillors) would reject any application for removal. We could cite numerous planning applications examples over the last three years where this is the case. We argue the context and location of this tree is more significant than most that you have advocated to retain on private land.

The character of the precinct is vastly enhanced by retention of tree #46. It would provide separation and vegetation coverage for a new Sports Pavilion from the vantage of the Cenotaph, public open space, BAG studios and U3A building.

The heritage value of the BMCC precinct as a place (as defined in the Burra Charter) would detail that the trees are a significant contributory element. In particular the outlook from the Cenotaph, Open quadrangle and Beaumaris Art Group (BAG) studios is of established and varied indigenous flora. Removing VPO protected trees will significantly impact the character of the precinct.
Planning considerations and process

Council have not conducted effective community consultation for the Frank Reed (Sports) Pavilion redevelopment. We believe the Beaumaris Soccer Club have been privy to briefings and feedback sessions with Councillors, Council staff and architects, whereas other community groups and ratepayers have had no opportunity to engage in the process. There was to be a public "drop-in session" similar to the one they had for the BAG redevelopment. After cancellation due to Covid-19, no further efforts were made to consult with the community. No updated plans were published online or any virtual forum or communication sent to update the community on the project.

Whereas the application states:

6.4. Cultural Heritage management plan
"The site is not located within an area of cultural heritage sensitivity and therefore a cultural heritage management plan is not required."

Council's own heritage consultants (Context) have recommended heritage protection for the Beaumaris Memorial Community Centre precinct. At the November 2019 Ordinary meeting, Urban Strategy Dept removed Context's citation for the BMCC precinct from their report which also included 9 residential and 11 further Council owned buildings. Hence, instead of the heritage recommendation for the precinct having being sent to the Planning Minister for ratification, it's been delayed unnecessarily and design and planning application for the Sports Pavilion has been allowed to proceed, even though Council knows a decision is pending on the heritage consideration. The lack of any mention of the pending heritage consideration for the precinct is a glaring omission from this application.

No detailed landscaping plan for the precinct has been provided with the planning application, only a poorly detailed replanting schedule for root stock in small garden beds adjacent to the Sports Pavilion. Whilst the application references the replanting of 10 canopy trees, there is no mention of where these might be replanted. They are not identified in site drawings. If this was a planning application for a private development, this would be absolutely unacceptable.
3. Dr Anne-Marie Chase (O)

Protection of tree to be destroyed in building of new pavilion

Beaumaris has lost many trees in recent years, Bayside council enabled the destruction of many trees in the building on the Beaumaris Secondary College. Trees provide habitat and landscape character as well as being our best protection from climate change. Bayside Council has declared a climate emergency, if the council is serious about environmental protection every tree must be protected.

The upgrade of the sports facilities can go ahead - they just need to accommodate the tree. The tree requires no upgrading but does require commitment and protection so that its green prescription and developmental benefits can continue to be offered to the community in Beaumaris.

The tree has a large canopy and makes a significant contribution towards cooling the local environment from the heat island effect in extreme weather. Urban forestry practices are increasingly seeing Councils retain established trees on account of their cooling and shading benefits. Bayside Council undertakes an annual tree planting program to grow cooling and shading trees within its parks, streetscapes and path networks, with considerable planting and establishment time and costs. This tree is already making a significant contribution towards mitigating against heat island impacts and requires no planting and establishment costs or time but requires our protection as an incredibly valuable urban cooling asset. The environment must come first.
4. **Mrs Susan Raverty (O)**

Usually, I would write a carefully crafted submission against the removal of Tree 46 to make way for the redevelopment of the Beaumaris Sports Pavilion. Today, I will just tell you what I think.

Page 538. Your Council arborist has “raised some concerns with the removal of tree 46. Tree 46 is a Leptospermum Laevigatum (Tea tree) and is 5 metres tall and 12 metres wide and as such is protected by the Vegetation Protection Overlay 3. It has been noted that the tree has good health, a fair structure, moderate amenity value, and a high retention and habitat value. As such, retention of this tree would be encouraged.”

The Planning and Amenity Delegated Committee has stated that the tree needs a planning permit for its removal because it is covered by VPO3.

In Attachment 5, page 565 of this document, The Vegetation Protection Overlay 3 Assessment gives all the reasons why the VPO3 doesn’t apply to the tree and argues that the tree should be removed.

This is followed by the individual assessment of Tree 46 which does not support its removal on page 567.

A permit is required to remove this tree so that the Sports Pavilion can be built using the submitted plans. The tree has been assessed as a tree of no value in one report and of value in another. Surely, this requires more thought to its removal.

The residents of Beaumaris view this tree as having high amenity, it is valuable to them. They see the tree when they walk in the park and appreciate its form and beauty. There are other users of this precinct, other than soccer players, whose views should be considered as just as valid as the sporting groups.

Replacing this tree by a tree which will grow to the same size in a different location is not equivalent to allowing the tree to remain. This tree has taken more than 50 years to grow to this size, has not been vandalised and has proved that it grows well at this site. Any new planting is susceptible to vandalism, climate changes such as drought and will take many years to grow to an equivalent height.

I ask that the plans for this Pavilion be changed to allow for the retention of tree 46. As the size of buildings and parking bays grow there will be continuing pressure to remove vegetation. The Vegetation Protection Overlay 3 was designed to prevent this happening, it is failing to do this in most cases of redevelopments.
5. Mrs Alison Horton (O)

I am very concerned about the lack of consultation and communication with all community users for Beaumaris Reserve in the process of this planning application. This is public land and should be accessible for all users.

Beaumaris Soccer Club were involved in the building of a new sports field at Beaumaris Secondary School, which was predominantly for their use. This involved removing much native vegetation which was not replaced. Despite the cost this incurred this is obviously not up to their “now” standards of wanting a premier league ground.

Margaret’s Tree or as you know it “Tree 46” is a 5 metre tall, 12 metre wide Leptospermum Laevigatum (TeaTree) and is located on the north eastern side of the site. It is over 75 years old.

It should not be removed to make way for this new sports pavilion. The plan shows that this sports pavilion footprint has increased at least 2 fold to accommodate 4 changing rooms, male and female bathrooms and disabled access. How many more male dominated clubs are getting new facilities based on the movement to include a few girls?

The Club again requires removal of significant vegetation without replacing it with similar canopy trees. The plan shows only planting of low level bushes.

Recent email communication with Clarke Martin and his response again does not justify its removal as the community has not been appropriately consulted.

It is apparent that during the planning process predominantly only Beaumaris soccer club were consulted. The cricket club who use it in summer were not consulted until much later.

Also the Club planned to have the Cenotaph moved so that they could build this facility. The RSL was only alerted at the ninth hour to prevent this from happening.

Any new community development should be shared and no group should have exclusive use of one facility.

I would like to see the Councillors support halting this development and plan a more appropriate build sympathetic to the area that can be used by all community sports.

“Tree 46”, Margaret’s Tree should not be removed so that it can be enjoyed by all members of the community. Kids love to play on, adults sit under its cooling branches and it adds history to this area. Climate Change is real as you have already acknowledged by declaring a climate emergency why are we continually removing these canopy trees?

With COVID-19 we have time to change this and build a sporting facility that is supportive of the existing natural environment.
6. Dr Jill Orr-Young (O)

Beyond the Rational ... Other Considerations.
This tree’s beautiful sculptural form is symbolic of the art movement that was at the core of Beaumaris’ development - in architecture and the crafts, particularly at this centre of the arts and culture. Its survival from that early time is significant, and it could become the ‘living logo’ for the rejuvenated precinct.

7. Mr Theo Stefanatos (S)

This construction must go ahead as it is so important for the soccer community and neighborhood alike. I understand that some people have objected on the grounds that they do not want to remove any vegetation to make way for a new club house. It is possible the same people who objected on the removal of vegetation on the new Beaumaris school. Thank goodness those who objected didn’t succeed in this quest and we now have a great school which in return increased property prices. I am sure all new facilities big or small make an impact on local infrastructure which benefits all. I am a local rate payer and my son is a current member at Beaumaris Soccer club.

8. Mr Dirke Aberle (S)

I am writing in support of building the new pavilion at 88 Reserve Rd Beaumaris. My son and I are recent new members of the Beaumaris soccer club, we feel lucky that we found a club with such a great community spirit. In times of COVID-19 it really hits home what impact being with family and being able to play sports in your own community means. Updating sports facilities for the area is an important way to foster a strong sense of community by having local families use them rather than searching for better facilities outside the community.
9. **Mr Paul Griffiths (S)**

Our 3 Boys love playing soccer in the winter season and cricket in the summer season so spend a lot of time at Beaumaris Reserve playing and training both sports. With an upgrade of the pavilion (requiring the removal of a tree) I am certain we would all spend more time as a family before and post training and matches enjoying the facilities and supporting the community events that are sometimes awkward with the existing facilities. We strongly support the council making a visionary decision for the future of Beaumaris Sporting and social community.

10. **Mr Chris Maher (S)**

Dear Councillors,

I wish to express my support for the application to build an upgraded facility for the soccer/cricket players in the Bayside area to replace the old facilities at Reserve Road that no longer meet the increased population of soccer/cricket players in the local area, particularly the increased number of boys and girls playing this team sport. The old facilities do not meet current Australian disability design standards. They were also built at the time with no consideration of accommodating the many girl and female teams that now play with Beaumaris. The current facilities are a barrier to these residents playing or making use of the facilities. This is an issue that is long overdue to be addressed.

I returned to the area in recent years and I was very surprised to find the facilities to be the same as when I played here as a child in 1988. The facilities are in dire need of improvement and re-design to meet the needs and allow more children and other residents to play soccer. The benefits of being involved in a team sport have a well known evidence base at both an individual and community level.

With regards to the to tree in front of the pavilion I can see from the plan that many other ti trees and other vegetation will be planted as part of the design. The council does a good job with its vegetation policy and its indigenous nursery is very beneficial in ensuring greater native vegetation in our area. One ti tree in a car park will be more than compensated by the proposed vegetation in the proposal. It is important from a traffic safety point of view with so many children playing the game that the car park not involve cars passing between the ground and the new facility to reduce safety risks to kids.

Thank you for considering my submission in support of this overdue proposal.

Regards,

Chris Maher
11. Mr Chris Tassakos (S)

We support our Beaumaris Soccer Club with respect to this submission.

12. Mr Chris Bourandanis (S)

This will be great for the kids to have facilities for sport like most of the soccer grounds in Victoria that we go.
Will be great for the club and will also be for the Beaumaris soccer club.
RE: Support FOR Beaumaris Reserve Precinct Pavilion (114/2020)

Thank you for reviewing this letter. I write as a local ratepayer and “recruited” Soccer Mum – to encourage you to support the Beaumaris Soccer Club/Cricket Club Pavilion (planning permit 114/2020).

In a years’ time (hopefully!) - it will be more important than ever to bring more people together to share a sense of belonging to neighbourhoods. A rejuvenated venue like this lends opportunity for families to share time in volunteer positions, to spend time outdoors with their children playing sport, to make new friends outside of the school yard and to develop a sense of community.

Our Soccer Community have been lobbying for an upgrade to the Pavilion in order to support women and girls in sport – for almost 11 years! The current venue is quite simply inadequate - I still haven’t been up to using the toilet at this venue since we became members over 8 years ago. Thankfully the library is close by and I live a short bike ride away.

This Pavilion must be approved for the following reasons:

- long overdue for an upgrade –the current shed supports neither children nor women (isn’t that half our population!) Also, you may not know that in junior teams – there are sometimes mixed boys and girls on the same team – we urgently need this upgrade.

- we will soon need more ‘fit for purpose’ community outlets to assist in physical, mental and social recovery from this Covid-19 crisis we are currently experiencing.

- the Pavilion could provide additional space for youths to participate in social activity (most parents would be encouraging them to get off the screens) / used as additional venue for community education /and provide a venue for socialising afterward sport. All which would encourage community involvement.

- the existing venue detracts new members as it doesn’t support the wider community.

And finally, I must urge you that the plans should not be further halted for one tree! I support the removal of Tree #46 in planning application 114/2020. Although I fully understand the sentiment as a Bayside resident, this needs to be balanced with the fact that there is a growing demand for soccer venues as more women join and are encouraged to participate in non-contact, team, international sport. The tree could be transplanted.

Yours sincerely,

Elaine Plumridge-Moews and Juergen Moews
Ph: 03 9589 5479 Email: jandemoews@bigpond.com
14. Mr Chris Parkinson (S)

My Beaumaris soccer club facilities must develop and progress as the community develops and progresses.

My community club requires satisfactory facilities now, please do not delay this project any longer.

Georgia Parkinson | U9 Girls BSC
15. Mrs Cherie Dear (S)

I would like to advise you of my support for the construction of the new pavilion for the BSC.

I am aware of the concern regarding the removal of the large tea tree on the site. As a member of Beaumaris Gardeners on Facebook and a tree lover I was concerned about the issues regarding the tree, especially after reading the emotionally provocative “My Beautiful Tree” by Margaret. As a conscientious member of the community, I conducted my own research into the concerns regarding the removal of the tree and the concerns of the BSC regarding another delay to the construction of new facilities for their club.

I regularly walk the local area documenting the flora and fauna of our beautiful Bayside suburbs. I took particular note of the tea tree on a recent walk, and since then I have paid particular attention to other tea trees in our locality. I am now aware of an abundance of such trees, many in close proximity to the tea tree in question. I notice a similar cluster of these tea trees on the other side of a building in the same precinct. I noted that the tea tree that needs to be removed looks particularly outstanding because it is the only tree like that in the area and there is no other shrubbery or bush around it. Similar trees are situated in the cluster on the other side of the building but are not as noticeable because they exist in close proximity to other such tea trees and are obscured, in part because of shrubbery in front of them. I also note an abundance of tea tree around the playing fields.

Additionally, I noted another block of land on the corner of Reserve Rd and Agnes St that also has similar tea trees on site. I was particularly pleased to also note an abundance of local lorikeets also visible in these trees. Concerned residents wishing to bathe in the beauty of these beautiful trees will not have to vary their walks much to be able to still appreciate plentiful examples of the same tree.

I have varied my walking route over the past week with a particular interest in noting other examples of these tea trees and am pleased to advise that I have observed many houses where they have been integrated into the landscaping of renovated or newly built homes - Cliff Grove and Cromer Road have houses with such examples.
I have also noticed an abundance of these tea trees along the residential side of Beach Rd, opposite Ricketts Point. Bayside has numerous examples of the same tree naturally occurring in multiple locations.

As a mother of 4 children who have represented Victoria at State level in basketball, netball and Australian rules football, I have a full appreciation of the benefits of sport for children and also their families. I can also appreciate the benefits of being part of a team, building community connections and exercise for adults.
Whilst I have no particular interest in soccer - I fully support the requirement for an upgrade to these facilities - in particular, to accommodate the needs of female participants.

In the past whilst travelling around Victoria and Australia with my children in their sporting endeavours, I was very disappointed to observe the state of local sporting facilities compared to those in other areas. It was disappointing and embarrassing to realise that whilst we live in one of the most beautiful areas of Melbourne the state of our sporting facilities and government secondary schools were completely substandard; dilapidated, unhygienic and unable to meet the needs of the explosive growth of female participation. Bayside Council along with the Victorian Government have done so much to improve a large proportion of these facilities over the last few years and our new facilities for Australian rules football and netball have been much appreciated. It is time to bring the soccer facilities into a standard befitting Bayside, and the needs of the boys
and girls and men and women who play this sport.

It is disappointing that after compromises were made by all the groups with vested interests in the precinct over a long period of time that the new facilities are going to be halted yet again due to preservation of ONE tree. Examples of which are readily available in very close proximity to this same tree. I too fully support the preservation of our local flora and fauna but we cannot preserve every single tree, shrub and bush to the detriment of the needs of other members of our community. Surely the 5th version of plans for this precinct represents the best solution involving compromises for all? Constantly coming up with objections to every version of the plans would appear to be tactic to delay progress which essentially has the same outcome as objecting outright.

I feel strongly that many reasonable members of our community would take the same view as myself if they were fully informed about the concerns of all interested parties involved in this development. I do not agree that we should prevent reasonable progress within our community for the sake of a single tree - many of which exist in close proximity to this particular tree. I hope that Council will take a strong position with this and forge ahead with these much needed new facilities.

I reiterate my support for the erection of the new pavilion and look forward to the outcome of this issue.

Regards
Cherie Dear
16. Mr Diego Silva (S)

In support of the application.

17. Mr Chris Katrantzis (S)

The existing pavilion is not acceptable and outdated. It is quite embarrassing that my children need to use the current facilities in today's society. Although the choose not to use them and are very disappointed they can't use them safely. A new facility needs to be erected that can cater for and be safe for both boys and girls. How is it possible for the grounds to be in such good condition yet the facilities in such poor condition. I don't believe a simple renovation would fix this, it needs to be replaced altogether.
I don't feel the current facility is safe for the community and adequate in size for the level of sports played at the current ground.
Why is it that other grounds at other community clubs have had their facilities upgraded a very long time ago and here at Beaumaris we are way behind?

I understand you may have some issues with surrounding trees, however the site/ground has many trees that will not be affected by an increased club facility.
To sacrifice a few trees near the new development is a small price to pay for safety of our children and what it will offer to the surrounding community.

My family has been with Beaumaris for over 7 years now and I am really embarrassed that nothing has been done to replace the current club rooms. Although the club has tried their best to make do with what is there, I believe something needs to be done ASAP.

Happy to discuss further if required, you can contact me anytime.
Regards
Chris
18. Mr Brad Rowswell MP (S)

Mr. Mick  
Cummins Chief  
Executive Officer  
Bayside City  
Council P.O.  
Box 27  
SANDRINGHAM VIC 3191

Dear Mick

I write to you on behalf of the players, coaches, administrators, and supporters of the Beaumaris Soccer Club (BSC).

It is my understanding that proposed plans for the redevelopment of the existing pavilion have now been lodged with Council for review and approval.

I am advised that these plans reflect the recommendations made by Beaumaris Modern, and will incorporate re-plantings which enhance the variety and number of indigenous shrubs and tree species.

It is my belief that the proposed development warrants urgent approval and implementation, noting that:

The existing pavilion was designed for 36 male footballers in the early 70's. It has 2 communal showers and no facilities for disabled, junior or female members. It lacks a social room and reasonable kitchen facilities meaning it cannot offer a sense of belonging to the majority of BSC's more than 600 members;

The present facility contains asbestos in the walls and roof area meaning it is not safe for renovation;

The BSC Committee have lobbied Bayside Council for improved facilities since 2009. The existing pavilion has been recognised as a primary priority for replacement in the Bayside area by Council since 2018;

BSC's fastest growing section is female members, junior and senior. The new pavilion design offers changing facilities for these members, whilst also providing a social room for indoor learning and meetings;
The proposed facility will be available for use by the local community at large, and not just members of the soccer club. I especially note that the facility will lend itself well to use for cricket matches in the soccer off-season;

Bayside Council’s own projections for population growth in the community of 9%+ from 2020 – 2036, meaning more families will require open space facilities for their physical and mental well-being; and

BSC’s Committee has set aside funds from member subscriptions to fit out the kitchen and social room with the meal preparation and audio-visual equipment that Council will not provide; thereby enhancing the space’s amenity for all users of the facility at no additional cost to Council.

I further note that Australia is to host the 2023 FIFA Women’s Soccer World Cup. This is a marvellous opportunity to enhance community awareness of and support for professional women’s sport.

The timely approval and construction of this project will therefore ensure that Bayside Council is well placed to provide training facilities to participant teams in the 2023 competition.

I therefore request that you accordingly direct Council officers to expedite the approval and implementation of this project.

I would be glad to discuss further this letter as required.

Yours sincerely,

Brad Rowswell, M.P.
July 2020
19. Mr Riccardo Piccione (S)
22 July 2020

Mick Cummins
Chief Executive Officer
Bayside City Council
PO Box 27
Sandringham VIC 3191

Sent via email to Laura Pocock, Chief Planning Officer lpocock@bayside.vic.gov.au

Dear Mr Cummins,

SUPPORT FOR THE DEVELOPMENT OF BEAUMARIS RESERVE SPORTS PAVILION, PLANNING APPLICATION 114/2020

I write on behalf of Football Federation Australia (FFA) to offer our full support for the development of Beaumaris Reserve Sports Pavilion.

The Beaumaris Soccer Club has experienced significant growth in recent years, particularly among female participants, and now fields 3 senior women’s teams and six junior girls’ teams, among more than 1,000 players who enjoy football at the club.

A renewed Beaumaris Reserve Sports Pavilion will provide much-needed, modern, female-friendly facilities, greatly improving the football experience for all participants who use the venue, a majority of whom will be residents of the Bayside City Council local government area.

This development will assist the retention of participants who might otherwise be tempted to join another club with superior facilities, and also encourage new players – particularly females – to join Beaumaris Soccer Club.

The club’s growth in female participants is reflected nationally, with our 2019 census revealing an 11% increase in women and girls playing football, compared to 2018. With Australia winning the right to co-host the FIFA Women’s World Cup in 2023, that figure is expected to further increase in the coming years.
Part of the legacy of bidding for and hosting this competition is to supercharge football’s drive to gender equality in our sport. FFA has set an ambitious goal of achieving gender parity in participation numbers by 2027, which would see 600,000 registered female players in Australia.

We are also committed to greatly increasing opportunities for females to play an active role at all levels of the game and will effect changes to see many more women in leadership positions in clubs, associations and member federations.

The renewed Beaumaris Reserve Sports Pavilion will not only help drive female participation in football, it will signal Bayside City Council’s support and acknowledgement of the importance of offering top class facilities for women and girls who wish to take part in the largest club-based participation sport in Australia.

I applaud Bayside City Council for making this commitment to the local sporting community, and I look forward to following progress of this development in the coming months.

If I can provide any further information, please do not hesitate to contact me. Yours sincerely,

Ricardo Piccioni
General Manager, Media and Government Relations

cc Cr Clarke Martin, Mayor cmartin@bayside.vic.gov.au
Cr Laurence Evans levans@bayside.vic.gov.au
David Richards, Beaumaris SC david@carpeesh.com
I am writing to you to provide my support to approve the new sporting pavilion being proposed by the Beaumaris Soccer Club at Beaumaris Reserve. Further below are several reasons why I believe these facilities should go ahead. The points have been provided to us by the soccer club, and I fully endorse each of them.

However, in a nutshell, as I have travelled the state with my son over the past decade, playing soccer at numerous facilities, I can honestly say that the amenities at Beaumaris are easily the most inadequate I have seen. I believe it is an embarrassment for the club and for the local community to have families come from far and wide to what is one of Victoria’s most beautiful and wealthy regions, only to see an unsuitable facility that does not provide even the necessary conveniences for hosting and visiting teams. In my most pessimistic view, this only highlights the absence of support the local Council is contributing to local families. And please don’t even get me started on the lack of support for the ever-increasing female players, of which I have two.

Actions speak louder than words, and I would appreciate your efforts on this.

- The existing pavilion was designed for 36 senior male footballers in the early 70s. It has two communal showers and no facilities for disabled, junior or female members. It lacks a common room and reasonable kitchen facilities meaning it can not offer a sense of belonging to the majority of BSC’s 600+ members. It has asbestos in the walls and roof area, meaning it is not safe for renovation.
- The BSC Committee has lobbied Bayside Council for improved facilities since 2009. The existing pavilion has been recognised as the number one priority for replacement in the Bayside area by Council since 2018 - with delay upon delay. Enough is enough. At a time when we realise just how important local community sport is to our Australian way of life, we need you to express your support for this project to have it approved by Planning and built ready for 2022.
- Our fastest-growing section is female members, junior and senior. The new pavilion design offers changing facilities for these members and a common room for indoor learning and meetings for ALL the local community, not just soccer. Cricket and other local organisations will be able to use these facilities when not being used by BSC – truly all-purpose facility.
- Bayside Council’s projections for population growth in the community of 9%+ from 2020 – 2036 means more families needing open space facilities for their physical and mental well-being. This facility is a design fit for purpose to accommodate that growth.
- The Beaumaris Soccer Committee has set aside funds from member subscriptions to fit out the kitchen and common room with the meal preparation and audiovisual equipment that Council will not provide. This equipment is being supplied to BSC by sponsors at cost-plus pricing to minimise overall expenditure.
21. Mrs Sarah Allison (S)

6th August, 2020

Dear Councillors,

I am the mother of 2 teenage daughters (13 and 15 years old) who have played for Beaumaris Soccer Club for the past 8 years and are extremely passionate about equality in sport. Their father has volunteered hours of his time to coach teams and encourage the development of female soccer. Indeed, the girls articulated their passion and commitment when we all spoke at the November council meeting, pleading with you all to deliver adequate amenities and agree to the planning application of the Beaumaris Sports Pavilion.

We left, celebrating that after 8 long years of dreading the need to use the only disgusting, unhygienic toilet shared by males and females, we could look forward to the much needed equitable facilities. You saw the photos, you know it is unacceptable and there is absolutely no way that as leaders of the Bayside Council, you could feel proud to have this asset in your portfolio. To plant more trees, as part of the new development is positive, but it is ludicrous to let this single tree have a negative impact on the lives of so many of our youth.

I feel appalled and totally disheartened by the system. 9 months later I find myself reiterating the same facts about the shocking and inappropriate amenities and yet again pleading with you all to uphold your decision and deliver on your promise for the sake of our children and our community.

Sarah Allison
22. **Mr David Jordan (S)**

For the good of the community. Team sports are very important and so are the facilities.

23. **Miss Danielle Tracey (S)**

Mayor Martin and Councillor Evans,

I am writing to you to voice my support for the new sports pavilion proposed for 88 Reserve Road Beaumaris.

As Senior Women's coach/player and a junior girl's coach I can assure you that the current pavilion is definitely not suitable for females. We are looking to bring more young girls into the club as to encourage more females to get involved in sport. We have run free clinics, Female only nights and even have an over 35's women's team. With the club moving forward for females of every age we really need updated facilities for the female players. Our teams would rather turn up dressed or kit up outside (regardless of the weather) than go into the changing rooms as they are very old and not suitable. When we have our female football nights, the club rooms are far too small to host all female players and their families.

The current pavilion was built for 36 men and it only has 2 showers and 2 toilets which are in desperate need of an update.

Whilst I appreciate that one tree proposed to be removed as part of the redevelopment will be opposed by various members of the local community, I feel very strongly that it is a price worth paying for the long term benefit of not only the Beaumaris Soccer Club but all the other community groups that are proposed to be able to use the new facility once it is ready.

Kind regards,
Danielle Tracey
Dear Councilors, Clarke, Laurie and others

I am writing to you to express my concerns for the possible delay of the redevelopment of the Beaumaris Sports Pavilion.

You may remember that both of my daughters, Zoe and Lucy together with my wife Sarah spoke at the November 2019 council meeting. They expressed their passion for the project, together with what the facilities would mean to not only themselves but their teammates and the wider community. Their pleas to you all, to support the application were on the evening, taken into consideration and they were all so impressed that their views were listened to by their local leaders and that the views of young females where valued. To see the process of discussion and change unfold in front of their eyes was truly inspirational. I’m sure you would agree it takes courage to stand up and speak out, and when people do especially our youth, it is inspiring for them to believe not only in themselves but the entire system, irrespective of the subject.

It is therefore so very disappointing and disheartening that I find myself having to write again. When I explained this to Zoe and Lucy, they were in complete dismay that something that we all believed was approved back in November is yet again up for review and possible further delays, the 5th iteration. I dare not imagine the cost to the local rate payers.

I understand the current plans require the removal of Tree 46, which holds sentimental value to a local resident. I have coached numerous junior teams over the past 4-5 years and I would actually like to raise to council the safety risk presented by this tree. Tree 46 is positioned such, that in my opinion it presents a real risk to people, especially children using the only toilet, even more so after dark. It shields the entrance to the toilet from the field and car park and due to the poor lighting, structure and makeup of the tree and its branches it would be very easy for someone to hide in this space. When I train girls teams on an evening nobody is allowed to go to the toilet alone for this reason and the girls have to go in pairs. The safety of all in the community is paramount, and I would welcome the opportunity to read councils risk assessment on this structure to see how council have viewed this. If one has not been completed, I would like to request that it is done as a matter of urgency.

For the past 5yrs I and many others have worked hard to build up our female membership and give our younger players a pathway to senior female football. I’m proud of what we have achieved as we now have over 140 active female players across a broad age range, who are proud to play for Beaumaris Soccer Club.

The fact that we cannot provide these females with changing rooms that have adequate shower and bathroom facilities is a sad indictment in 2020. I have no doubt that within the next 2-3yrs our Senior female team will be playing in the Victorian State league 1 or even pushing for Premier League. All of
this combined with Australia co-hosting the 2023 Female World Cup means we will see significant growth over the coming seasons. It’s now time we had facilities to match this.

Having been involved with the Beaumaris Soccer Club for the past 15yrs, I’ve played at a senior level, and still pull on the boots for a run with my mates. I like so many other volunteers; have put up the nets, marked out the pitches, welcomed many teams from all around our state and even some international. I’ve coached junior girls’ teams, worked in the canteen, cleaned the club rooms, tried to remove the smell of urine to make things a little better, but the time for “putting lipstick on the pig” is over. Why have I done this? because like yourselves, I believe in our local community and the value that team sport brings especially to our younger generation. Beaumaris soccer club has a wonderful community focus and is an integral part of some many lives in the Bayside community.

Nobody would have thought back in November 2019 that we would be facing the challenges we do today due to COVID19. Team sport has been cancelled and exercise is limited, which is having a significant impact on everybody’s physical and mental health. How wonderful would it be for us all, especially our youth; the future, nurses, teachers, police officers, bakers, lawyers, tradies, council leaders to have something to look forward to. Let us work together to progress this facility and present some light at the end of the tunnel.

Thank you for taking the time to read my email and I look forward to the outcome of next week’s meeting.

The time is now.

Peter Allison
25. Mrs Pauline Wilkman (S)

Dear Sir/Madam,

I have been a resident of Beaumaris since 2013. My sons have been playing for Beaumaris Football Club since 2013. Club membership have grown since and there are girls and women teams as well. The club house is small and the facilities are in dire need of an upgrade. It was built with asbestos and there isn't a change room or toilet for ladies. There isn't a prominent place for displaying trophies and flags that we're proud of as there is no space for a shelf or trophy cupboard. We should have a proper meeting room with white boards for committee members and for coaches with their team players. We should also have a separate room for the referee and linesmen to get ready and have breaks. We should have separate change rooms for visiting clubs that we verse against.

Brighton Football Club was given a huge makeover including their grounds. Beaumaris also deserves that. In order to have more space, the Ti tree next to the club house unfortunately has to go. Our ground ‘dies’ in winter when our sport begins as the grass grown are for cricket. It should be an ‘all year round’ type of grass. At least last year, we had the soccer pitch at Beaumaris Sec College as our second home ground. Before that, the juniors had to play in Balcombe Park which is patched with dirt and weeds like a paddock. It was embarrassing to play against opponents who have decent pitches as their home ground. The ground was so hard and it was impossible to control the ball according to our players.

We are proud to be at Beaumaris and our football club. We have a wonderful community and the senior players love to hang out, have a drink and a barbie after a match to socialise. Kids and partners come to watch their dads/husbands play so it’s very family orientated. Our community are devastated that we didn’t have a season this year because of Covid-19. Thus having a renovated clubhouse and hopefully grounds as well would cheer us all up and looking forward to a renewed season in 2021. I thank you for reading my submission and I hope you’ll be persuaded that this is a much needed upgrade for our community.

Yours Sincerely,
Pauline Wikman

26. Mr Peter Corfield (S)

Re Tree #46. Based on the fact that Council Staff have indicated that it is not viable to retain this tree, I suggest it is reasonable to remove and replace elsewhere, with a new tree or via propagation. I feel for Margaret , however in this instance we need to put the community interests first. This tree can be remembered in different ways and formats.
27. Mr Gert Gratz (S)

Re: Planning Application 114/2020 – 88 Reserve Road, Beaumaris
Agenda # 46

Dear Councillors Martin & Evans,

I am a Bayside Resident for 30 years and for the same number of years a player, member, volunteer and now the veteran of the Beaumaris Soccer Club.

Over the past 3 decades I have seen positive developments in Bayside. But one issue I sincerely believe the Council has failed, is in looking after the next generation involved in Soccer at the Beaumaris Reserve.

I have three grandchildren, one grandson and two granddaughters who live just a “kick” away from the Beaumaris Reserve and who actively play soccer for the Beaumaris Soccer Club.

The Club has been asking for upgraded facilities for both the health and safety of its members for more than 11 years now. The new lights are fantastic however the condition of the ground surface itself... not so great!

That one tree could further delay or jeopardise the new pavilion concerns me enormously. it should not happen!

As it did not happen when the War Memorial was upgraded in 2018.
The huge tree at the War Memorial was removed for a nicer presentation of the War Memorial surrounding.

The tree (no 46) is in a precarious position and allows offenders to hide when our children using the public toilet and puts them at risk. How can any opponent live with this and a clear conscience? Can the OH&S department accept this risk with a dangerous location of a tree in front of a public toilet?

Children’s and public safety and proper facilities are more important than a few conservationist claims.

An assessment of the tree to be removed has been undertaken by a City of Bayside consultant arborist with Tree No 46 assessed as having a not important retention value.
As a resident of Bayside I formally convey my strong support the approval of planning application 114/2020 – 88 Reserve Road, Beaumaris and the removal of tree (No 46).

The current facilities are clearly unfit for both sexes and the purpose for a large community club within the Bayside.

The tree (No46) is a public safety hazard.

I hope Councillors, your passion has not changed “in bringing up children as part of a local community” in a safety environment.

I’m looking forward to your public support and approval of Planning Application 114/2020.

Yours Sincerely

Gert Gratz

8th August 2020
28. Mr Carlo Mason and Ms Danielle Hammond (S)

Dear councillors

I am a local resident and passionate member of the Beaumaris over club. I represent the 035 men’s team. My daughter Ruby plays for the u12 girls team and my son Sam is in the boys u10s. The soccer club is a large part of our family lives.

It’s embarrassing on game day to host games at the club with the decrepit change room facilities. The facilities are also inadequate for female players and it saddens me that my daughter will probably need to leave the club if she wants to progress. We have seen many talented girls leave the club because of the lack of proper facilities and infrastructure to attract and retain talent.

As a resident of Beaumaris, I extremely value the local Modern architecture and flora. I hope that the new facility will be sympathetic to this aspect. I hear that there may be a certain native tree that is “in the way”. I would be sad to see it go, however I feel that if it’s necessary, let’s remove it and plant many more to replace it in the nearby parklands.

My family truly hopes we can have a soccer club with facilities our neighbourhood deserves, and one that my daughter can enjoy equally with the boys.

Yours sincerely.

Carlo Mason and Danielle Hammond
Letter from Joe Mottola Beaumaris Soccer Club president re Planning Application 114/2020

Monday 10th August

Dear Councillors,

I write a further letter of support for this application and to make all councillors aware, on behalf of our 600 players, boy and girls, women and men, our members’ absolute frustration and anger at the refusal of Beaumaris Conservation representatives to attend a previously scheduled meeting on Friday 7 August at 11am with the intention finding compromise and a path forward in relation to their objection to this planning application.

We have reached out multiple times for constructive engagement with Conservation and have been rebuffed on each occasion. We have provided rational and constructive reasoning for why this application should proceed. Our representations have been rebuffed every step of the way by near hysterical and pig-headed and self-interested responses. Even today Conservation is refusing to meet at any other time prior to the Planning Meeting on 11 August.

Our members can stomach no more. In these distressing times of high anxiety and constant bad news, we seek some positivity, some hope, that a development that will bring our community together in a beautifully landscaped environment will proceed. We beg you to unanimously support this application. Deferral and delay is another smack in the faces of the children we represent, of Chloe and Lucy and Zoe who stood in this chamber in November 2019 pleading for your support. Our faith in the democratic process of good governance will be completely undermined by such an outcome.

Council have offered for the tree #46 to be relocated but that has been refused by Conservation. Council officers have done 5 iterations to the pavilion design to minimise its footprint and impact on the environment. None are acceptable to Conservation. Conservation have placed illegal signage at the Reserve misrepresenting the facts and Council has not taken these down. Our members have offered to assist in the relocation of tree 46 and to have working bees to help in the landscaping if Council value that assistance. All it seems for nought.

We know any deferral to VCAT will add at least a year to this project and possibly see it die. We will not allow that hope to be extinguished. The future of our children and our families demand these hopes are met with positive unanimous Council action.
Sincerely,

Joe Mottola

President

Beaumaris Soccer Club
30. Mrs Sandra Pointon (S)

Dear Councillors

My name is Sandra Pointon and I am currently the secretary for the Beaumaris Soccer Club and my son has been playing at the club for the last 7 years. Also, I have been a bayside resident for 15 years.

As you are aware the current facilities at the BSC Pavilion are beyond woeful, especially for our female members/players. I cant believe in 2021 that it's acceptable not to have a female toilet nor changing room facilities! Especially when I look to other reserves and the work that has been completed by the council to upgrade the facilities – it very much feels very forgotten about.

The projected growth of female football over the coming years with inclusion in the Olympics and Australia hosting the 2023 Women's World Cup would make this an ultimate priority, coupled with what we have been dealing with this year and the pandemic sport at grass roots for all is needed now more than ever.

In order for the planned pavilion to go ahead, I support the removal of Tree number 46 in Planning Application Reference 114/2020. It's removal will be more than compensated by extensive new planting of native plants. One ti-tree should not stand in the way of generations of females that need appropriate facilities when other native plantings in appropriate spots will more than compensate. I understand the importance of protecting native vegetation but it isn't the right outcome to deprive hundreds of players of much needed facilities for one ti-tree.

I trust that common sense will prevail and a balanced approach will be taken in respect of this issue.

Regards

Sandra Pointon
31. Mrs Eleanor Grasso (A)

Re Beaumaris Soccer Club Pavillion:

- The existing pavilion was designed for 36 senior male footballers in the early 70s. It has two communal showers and no facilities for disabled, junior or female members. It lacks a social room and reasonable kitchen facilities meaning it can not offer a sense of belonging to the majority of BSC’s 600+ members. It has asbestos in the walls and roof area meaning it is not safe for renovation.

- The BSC Committee has lobbied Bayside Council for improved facilities since 2009. The existing pavilion has been recognised as the number one priority for replacement in the Bayside area by Council since 2018 - with delay upon delay. Enough is enough. At a time when we realise just how important local community sport is to our Australian way of life, we need you to express your support for this project to have it approved by Planning and built ready for 2022.

- Our fastest growing section is female members, junior and senior. The new pavilion design offers changing facilities for these members and a social room for indoor learning and meetings for ALL the local community, not just soccer. Cricket and other local organisations will be able to use these facilities when not being used by BSC – truly all-purpose facility.

- Bayside Council’s own projections for population growth in the community of 9%+ from 2020 – 2036 means more families needing open space facilities for their physical and mental well-being. This facility is a design fit for purpose to accommodate that growth.

- Your Committee has set aside funds from member subscriptions to fit out the kitchen and social room with the meal preparation and audiovisual equipment that Council will not provide. This equipment is being provided to BSC by sponsors at cost-plus pricing to minimise our overall expenditure.
32. Mr James Stuart-Menteth (A)

Bayside Planning and Amenity Committee
11 August 2020
88 Reserve Road, Beaumaris
Agenda Item 4.7
Written submission on behalf of Bayside City Council

Key points

- Sole planning permit trigger is confined to the removal of one tree
- No planning permission required for the new sports pavilion sited in a similar location to the existing pavilion
- The new car park will be located in a similar envelope to the existing pavilion with no additional parking demand expected by the replacement pavilion
- Only 3 trees to be removed, 1 requiring permission under the VPO3 being a 4m tall Coastal Tea Tree of moderate value
- Detailed landscape plan for significant native replacement planting

Summary

The proposed pavilion is a replacement of a deteriorated pavilion with no remarkable heritage basis for its retention.

The proposed siting seeks to minimise impacts on existing native vegetation in the reserve consistent with the VPO3 and Clause 52.17.

The removal of just 3 trees, 1 of which is protected under the VPO3, is an excellent outcome and demonstrates that the proposal has been sensitively designed to limit native vegetation impacts across the reserve.

The tree has been assessed by a qualified arborist. It has ‘fair’ structure and moderate retention value. This must be balanced against the benefits of the proposed project and landscape opportunities through the proposed landscape plan. A conclusion must be reached based on net community benefit and on balance, the provision of a new pavilion with acceptable parking and a high degree of tree retention will result in an acceptable outcome. This is especially so based on the Council arborist recommendation to include a replacement
indigenous tree capable of reaching up to 18 metres tall and 10 metres wide to offset the proposed removal. This will further enhance the character and landscape setting of the area.

We support the recommendation as printed and consider it appropriate for Council to approve the application.
Item 4.8

10 Coral Avenue, Beaumaris
STATEMENT BY OBJECTORS – GR & CJ WARD
Bayside Planning Committee – 11 July 2020

APPLICATION NO. 5/2019/503/1
ADDRESS 10 Coral Avenue BEAUMARIS
PROPOSAL Development of two attached double storey dwellings

The amended plans have resolved some issues with regard to the Council’s planning policy framework but have potentially reduced the amenity and privacy of the outdoor private open space of our property. Our objections were set out in detail in objection dated 5 December 2019 and response to amended plans dated 24 July 2020 (attached).

We note that the amended plans contain a notation “SCR” adjacent to the window of bedroom 4 dwelling 2, which means “Fixed external screen with minimum height of 1.7m above floor level with a maximum of 25% transparency”.

We note Council officer’s assessment (Agenda p.668 - attachment 4) which says:

<table>
<thead>
<tr>
<th>B22 Overlooking</th>
<th>Complies</th>
<th>All habitable room windows have been screened to a minimum height 1.8 metres above finished floor level or have been screened externally, in accordance with this Standard. Objections received from 8 Coral Avenue and 6 Florida Avenue have raised concerns with overlooking, as noted above the proposed has included screening in accordance with the standard.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limit views into existing secluded private open space and habitable room windows.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

However it is a concern to us that such screens do not entirely prevent overlooking and can be removed at a later stage. They also produce an unfortunate environment within the dwelling.

We would find a permit acceptable if it contained a condition requiring that:

Windows annotated SCR on the approved drawings shall be fitted with fixed privacy screens comprising horizontal or vertical fixed louvres, fitted externally and angled so that view to the adjoining property open space is blocked entirely. The screens are to be designed and fixed for the whole of the window below 1.7m above floor height to the satisfaction of the responsible authority in consultation with the affected neighbour.

Inclusion of such a condition requiring suitable screening of the window to our satisfaction would address our most significant objection to this proposal and avoid us having to proceed to VCAT if that should be necessary.
Christine and George Ward
6 Florida Avenue, Beaumaris, 3193
5 August 2020

Attachment: Letter of response to Amended Plans 10 Coral Ave 24 July 2020

Attachment 1

24 July 2020

Laura Pocock
Statutory Planner Development Services
Bayside City Council
Royal Avenue
Sandringham 3191

Re: Planning Permit Application 5/2019/503/1
10 Coral Avenue, Beaumaris
Amended application plans

Thank you for the amended plans for permit application at 10 Coral Avenue which abuts my land on its eastern boundary.

We have examined the changes and noted that the applicant has responded to a number of important issues raised in our objection to the original proposal (copy attached). These relate to the retention of existing native vegetation in the frontage and the more sustainable and compatible street presentation which results from this change.

Amended eastern building façade – worse overlooking to our private space

However changes to the eastern façade of the building do not respond favourably to the privacy issues raised in paragraph 5 our objection. Specifically:
5. The proposal to construct two dwellings and associated buildings and works and to remove all site vegetation will adversely impact on the use and enjoyment of our property at 6 Florida Avenue, because of:

a. The substantial overlooking of our private outdoor living space from first floor rooms. Up to 4 metres of our private space is within the 9m horizontal distance set out in Standard B22. Our outdoor private deck and lawn area is in direct view of the proposed first level bedroom 4 of dwelling 2. While the overlooking bedroom window has marked obscure glass to 1.7m, the very close proximity to our outdoor living areas will seriously impact on our privacy and enjoyment of our space in real and perceived terms.

   The inadequate distance from the first floor window to our private outdoor living space remains the same. The window to bedroom 4 is now full height and the whole width of the facade providing direct overlooking of our private space. This is completely unacceptable to us.

b. The complete removal of existing vegetation and lack of any replacement trees especially in the space between the proposed dwellings and our common boundary.

   The proposal still exhibits inadequate separation and no replacement trees.

c. The inadequate rear setback from the east boundary of the land, to allow for privacy separation and landscape treatment adjacent to important and sensitive private outdoor space on our (adjoining) land.

   The proposal still exhibits inadequate separation and no replacement trees.

d. The building massing will dominate our outlook from various living areas both internal and external and limit our enjoyment of the existing and desired future neighbourhood character as expressed in Council policy.

   The proposal is unchanged at first floor level. Inadequate separation and no replacement trees.

Overdevelopment and other issues

On balance the revised plans do not adequately respond to a number of planning policy objectives as set out in our original objection. In particular:

3. Having full regard to the Bayside Planning Scheme the proposal advocates an overdevelopment of the land and in so doing can not satisfy various Scheme policy objectives and specific provisions

The development proposal attempts to insert too much building mass into the site and in so doing fails to meet a number of the policy objectives of the Bayside Planning Scheme.

4. The proposal does not meet the requirements of Rescode (Clause 55 Bayside Planning Scheme) in certain key respects, including:

   a. Clause 55.02 – the proposal does not adequately respect existing neighbourhood character nor contribute to the preferred future character of the area
   b. Clause 55.03 (Standard B6) – the proposal does not comply with the required street setback
   c. Clause 55.03 (Standards B8 and B9) – it is not adequately demonstrated that the proposal complies with required site coverage and permeability requirements as substantial areas of the site are devoted to decking, paved and utility areas
   d. Clause 55.03 (Standard B13) – the proposal fails to achieve this standard for landscape
   e. Clause 55.03 (Standard B15) – the proposal fails to adequately provide for car parking in accordance with the required standards in that the dimensions are inadequate
f. Clause 55.04 (Standard B17) – the proposal fails to meet the standard for side setbacks as required by Schedule 3 of the Neighbourhood Residential Zone

The revised proposal does not respond to these shortcomings and essentially promotes the same overdevelopment features of the original as evidenced by:

- two x 4 and 5 bedroom dwellings with single garages,
- inadequate setbacks from boundaries and consequent lack of landscaped separation, inadequate open and permeable surfaces.
- does not adequately respond to the council’s sustainability or neighbourhood character objectives.

As stated in our original objection there are changes that could be made to the plans which would go some way toward resolving our concerns. We would be pleased to have the opportunity to discuss them with council and the applicant.

Thank you for this opportunity to comment on the revised plans.

Sincerely

Christine and George Ward

6 Florida Avenue
Beaumaris 3193
Item 4.9

34 Waltham Street, Sandringham
1. Mr Mike Hoyle (S)

To Whom It May Concern:

I am writing this letter as the acting President of the Sandringham Shop Trader’s Association, in respect to the opportunity and support being provided to The Spirits Trading Company (34 Waltham Street, Sandringham).

We would like to put forth to the council that in the current climate, support should warmly be provided to those that are taking the punt of opening new, or expanding existing, businesses. Through the ongoing Covid-19 pandemic, the council has shown immense support to the local businesses currently trading in Sandringham. It is our hope that this support would extend towards new and exciting business ventures within our community.

As a community of shop traders, we believe that this type of expansion is encouraging to others as it demonstrates Sandringham to be a good place to visit or to operate businesses. Owner-operators are essential to the dynamic between local traders and the community. Therefore, reinvestment by existing small businesses back into the community should be viewed as a positive way to expand local trading in Sandringham. It is our hope that the council allows the means for these traders with appropriate support through the process of licensing and ongoing encouragement.

Stay Safe and well,
Kind regards,
Mike Hoyle - acting President of the Sandringham Shop Traders association on behalf of his Shop Traders community.
2. Mr Daniel Macpherson (A)

Dear Councilors,

We are writing to you in reference to our planning permit for 34 Waltham Street in Sandringham.

Firstly, we would like to give you an insight into our company and what we do. We have been operating for four years now and are experts in the importing and distribution of craft spirits. We have a small team compiled of local employees, of which have been operating/ residing in the area for twenty years or more.

Whilst having ample opportunity to plan (during current circumstances) we set out with a vision to create a premium retail space and bring our local community products from all over the world. We have spent a lot of time doing market research within the area and highlighted many categories (within our industry) that do not have proficient representation. Mainly the high-end spirits, niche categories as well as local craft distillers and brewers. Our aim is to inform and educate our community about such categories and products.

During our application process we received a handful of objections from curious members of the public. We reached out to each individual to answer any questions and further queries and are delighted to say, all parties withdrew their objections and we have sewn the foundations for positive relationships with each objector and look forward to their ongoing community support.

In closing we feel that we have been well received within the community and are looking forward to being able to see our vision come to life after these necessary restrictions are lifted and we can go back to being a strong supportive community for one another.

Sincerely,

Daniel, William and Michael.
Item 4.10

67 Teddington Road, Hampton
1. Mr Brenton Francis (O)

Objection to planning permit application 5/2020/175/1 – Address 67 Teddington Rd - Hampton

Final Statement to Planning & Amenity Committee Meeting 11/8/2020

Submission by :-

Brenton & Selena Francis 66 Teddington Rd – 0438 204 692 (Brenton) – Spokesperson

Adam Duncan & Dr Penelope Dalitz – 65 Teddington Rd - 0481 284 390 (Adam)

Dr Lance Hillen & Carol Hillen – 64 Teddington Rd - 0401 309 786 (Carol)

Peter & Clare Hua - 68 Teddington Rd – 0418 962 075 (Peter)

Jo Young – 63 Teddington Rd

The following submission has been prepared after a review of details provided in the Planning &
Amenity Committee Meeting Agenda (Item 4.10) scheduled 11/8/2020.

Although our objection to the proposed side by side structure has been supported with evidence
previously submitted to Planning and all Councillors via email 27th July 2020, a summary of key
remaining issues is as follows :-

Flat Roof / Side by Side Design

The statements below in the Agenda document firstly highlights pitched roofs as the “dominant
form” in the area, then incorrectly states that the proposed flat roof design is reflective of the
“emerging character”.

Agenda P703 6.1 P2. Neighbourhood character. The site is located within Neighbourhood Character
Precinct G1. The proposal is considered to demonstrate an appropriate level of compliance with the
preferred future character statement and precinct guidelines as contained in Attachment 3. The
precinct is characterised by: the well-articulated dwellings sit within landscaped gardens, some with
established trees. New buildings are frequent and are designed to respond to the site, and include a
pitched roof form to reflect the dominant forms in the area.

Agenda P704 6.1 P7 “There is an emerging character of double story modern dual occupancies that is
consistent along the southern streetscape (nos. 82 and 82a, 80a and b, 78a and b, 74a and b)

Agenda P704 6.1 P7 “….. The design is innovative and reflective of the emerging character of
modern double story dual occupancies as listed above.”

With regard to the claim that the design reflects the emerging character, an inspection of the full
section of Teddington Rd between Chislehurst Rd and Bluff Rd, will reveal that 80A and 80B
(photograph P727 – with caption stating “the emerging character”) is in fact the only flat roof side
by side structure in this section.

All 10 other recent dual dwellings (55, 57, 58, 62, 71, 72, 73, 74, 78, 82) constructed in this section have
been designed to respond to the site (narrow frontage deep blocks) with front-rear dwellings with
pitched roofs.
In addition, 8 of the most recent single dwelling developments in this section (56,59,66,68,70,75,78,79) have pitched roofs. Two of these properties (68,70) were built after the construction of 80A and 80B.

The emerging trend for dual dwellings and therefore the Neighbourhood Character in this section is front-rear designs with pitched roofs, not side by side designs with flat roofs. The design for 67 is out of character with the streetscape and will adversely impact on all adjacent properties.

**Nature Strip Tree Removal**

**Agenda statement regarding the Nature Strip Tree**

**Agenda P 708 6.4. Street tree(s)** Tree No. 1 is located within the nature strip and is proposed for removal. Council’s Street Tree Arborist has advised that the assessment of the street tree(s) in the arborist report is broadly accurate and supported. The proposed plan shows the removal of the street tree asset to facilitate the construction of a new vehicle crossing. The retention of the street tree in the current design (or any modification to this design) is not viable and there is insufficient space with the power pole to achieve the minimum 3m setback. Council’s street tree arborist advised that should it be unachievable to facilitate the design alterations and retain the street tree, Bayside City Council Planning & Amenity Delegated Committee Meeting - 11 August 2020 Item 4.10 – Matters of Decision Page 709 of 1013 and subsequently, the tree can be removed under Clause 6.5 of the Street and Park Tree Management Policy (subject to compensation costs).

The proposal to remove a healthy, mature, text-book specimen Melaleuca tree from the nature strip, to accommodate a non-standard crossover plan that provides zero street parking (refer Car Park Requirement), will severely impact the streetscape. Although the applicant’s Arborist report rates the tree as ‘Medium Significance’, which by Council guidelines means that it should be preserved, I can assure you that it is of Extremely High significance to the above listed residents. It is not a diseased or recently planted tree; it is one of the best trees in the street with a canopy of 8 Metres and forms part of a continuous line of similar mature trees that significantly enhance the amenity of the streetscape. (Refer Appendix C - email dated Monday 27th July, 2020)

**Arboricultural Report**

**Agenda P744 Naturestrip Tree**

*Arborist - “A (sic) tree is in good condition but does have some structural problems which is common to the species”.*

No detail has been provided around the “structural problems” mentioned. An onsite inspection will show that it appears to be a perfectly formed symmetrical healthy specimen and is without doubt one of the best examples of this type of tree in Bayside.

*Arborist - “It probably has another 10 to 20 years useful lifespan in this location.”*

**Clause 6.5.1 source – ‘Street and Park Tree Management Policy - Criteria for removal of a tree to facilitate development’. A street or park tree will be considered for removal following a developer’s request, provided it meets the following criteria:**

(Note: Given the “and” stated at the end of each criteria below, approval for tree removal clearly requires all criteria to be met.)
1. The tree has a Safe Useful Life Expectancy (SULE) of less than 10 years; and

The applicant’s Arborist report states that the tree has another 10 to 20 years useful lifespan in this location and therefore this criteria is not met.

2. The tree has a value of less than $30,000 calculated using the Tree Amenity Valuation Procedure (PR/ESOS/TM/001); and

3. The tree cannot reasonably be expected to be implemented into the design of the development; and

This condition cannot be met due to the fact that the applicant (with full knowledge of the existing power pole) has chosen a side by side design that requires tree removal. A front-rear dual design, which has been implemented by 10 of 11 other developments in the immediate vicinity as previously mentioned, would allow the tree to be implemented in to the design. A re-design to front-rear configuration is therefore a viable design option which would preserve the neighbourhood character and preserve the tree.

4. The applicant agrees to pay for the cost of removing the tree/s; and

5. The applicant agrees to pay planting costs for 2 replacement trees; and

6. The applicant agrees to pay compensation for loss of amenity in the amount of the current value of the tree.

The Arborist report clearly highlights that the proposal for tree removal does not meet Criteria 1 and Criteria 3 can easily be accommodated by using the favoured neighbourhood character front – rear design. The tree does not meet all 6 Criteria of 6.5.1 and therefore does not qualify for removal.

Car Park Requirement

Agenda P709 6.5. Car parking and traffic. Council has no concern with the development subject to the inclusion of permit conditions relating to vehicle access, driveway gradients, sightlines and internal parking dimensions. These are included as conditions of the permit. Concerns have been raised in relation to increased car parking congestion however it is considered that the proposed development will not unreasonably impact on the car parking network in the street.

As previously highlighted to the Bayside Planning Department and to all Bayside Councillors in my email dated Monday 27th July, 2020, the proposal, whilst meeting minimum parking requirements, will without doubt significantly add to existing parking congestion issues unique to this section of Teddington Rd (Refer Appendix A email dated Monday 27th July, 2020). This photo shows typical daily parking volume between Chislehurst Rd and Bluff Rd. The congestion is caused in part by the increase in dual dwellings in this section of the street (even though most dual dwellings have a minimum of 3 parks per residence) and also by local non-residential sites such as the Only About Children Early Learning Centre, Raynes Park Court Aged Care and the unlisted Emergency Accommodation House/Refuge (Refer Appendix B email dated Monday 27th July, 2020) all located within 200 Metres of 67 Teddington Rd. Staff from these sites continually park in the section between Chislehurst Rd and Bluff Rd. In particular, there are a number of specialist emergency vehicles that regularly visit the Emergency Accommodation House/Refuge (Police, DHHS, Family
Services, Cleaners, Delivery Vehicles, Ambulance Service and more recently the Fire Brigade) adding to congestion.

The impact of the current high parking congestion in this section is as follows :-

- It prevents normal 2-way traffic flow in this section of road, causing extreme frustration and inconvenience to drivers. It also promotes the use of unsafe driving techniques.
- Lack of parking spaces is resulting in illegal parking in the No Standing zone at the intersection of Teddington Rd and Bluff Rd. This is a serious hazard to cars turning from Bluff Rd in to Teddington Rd.
- It significantly increases the complexity and risk associated with weekly waste collection, hard waste collection and food and parcel delivery services.
- It significantly increases the risk associated with school bus pick up and drop off, of a disabled person living in this section of road.
- It complicates and adds risk to attendance by emergency services e.g. Fire Brigade, Ambulance.

A review of the plans will show that the single parking space remaining between the proposed non-standard crossovers (when a standard curb entry design is applied) will be only 3.7 Metres wide, which will not accommodate any vehicle other than a motor cycle. The street parking associated with 67 will therefore be reduced from the two car parks currently available, to zero car parks.

This will force visitors to 67 and other sites to park elsewhere along Teddington Rd, which is already congested and will increase the risk and difficulty associated with other residents entering and leaving their properties.

It is highly likely that with only 6 square metres of storage provided per 4-bedroom dwelling, the single garages may (at present or in the future) be used entirely as storage areas, or for other purposes (e.g. as a home gym), rather than as an actual car park. This pattern of usage is typical for single garage sites. A similar side-by-side development in Fewster Rd, Hampton (with a single garage and one additional car space per dwelling) is currently occupied on one side by a family of 4, with 4 cars and a boat, with the occupants of the other side using the single garage as a gym. This is an example of the inadequacy of 2 parks per dwelling and how it inevitably contributes to street parking congestion. If future Bayside growth is to be sustained, this anomaly clearly needs to be addressed.

Ongoing approval of proposals of this type, in this section of Teddington Rd, given the existing parking congestion level, will further increase street parking congestion, causing associated increased risk to motorists, pedestrians and cyclists. Parking and traffic related issues are escalating in this section of Teddington Rd.

Whilst we are fully conversant with the need for Bayside Council to accommodate future growth requirements, there are countless references in the Bayside Planning Scheme and Bayside Housing Strategy Nov 2019 documents, for the need to respect neighbourhood character, streetscape and also the need to consider the impact of future development on traffic and parking.

Section 5 -Previous Community Feedback - Bayside Housing Strategy Nov 2019, highlights the following key issues raised by residents :-
• **Additional pressure on infrastructure (especially roads) caused by increased residential development is a significant concern for residents.**

• **Negative impacts on surrounding properties must be appropriately managed where new development is occurring.**

**Closing Statement**

Without quoting verbatim, it is clear that Bayside Councillors acknowledge and are driven by the need to use effective governance to minimise impact on existing amenities and neighbourhood character and indeed to protect Bayside’s way of life.

Although we support development of 67 Teddington in some form and fully understand the need for Bayside Council to accommodate future growth requirements, a primary reason we have chosen to live in this location is because of the overall character of this section of Teddington Rd, which typifies why Bayside is such a desirable place to live. We strongly feel that the proposal is not commensurate with the existing neighbourhood character and its construction will have an adverse impact on neighbourhood amenities as described. An alternative front-rear design with pitched roof has been highlighted as a favourable alternative which would resolve all issues raised in this submission.

I was disappointed to find (from Bayside Planning Department) this week, that objections are only *formally* acknowledged if submitted by individual residents. It was my understanding that a spokesperson could represent others who were not comfortable dealing with the administrative Objection process. Had I been made aware of this sooner, I could have easily included the signatures of the above listed residents in all submissions. I can assure you that all concerns raised in this submission (and all previous submissions) are fully and formally supported by the above listed residents, who have asked that I act as spokesperson for the group (as objectors) and should circumstances permit, speak on their behalf at the Bayside Planning and Amenity meeting.

Without the benefit of being able attend the Bayside Planning and Amenity meeting in person and speak to Committee members, I trust that serious consideration will be given to this and all previous submissions outlining the reasons for our objection to the proposed development. I also invite all Councillors to meet with us onsite in the future if possible, (subject to Covid-19 restrictions) to discuss our concerns.

Yours sincerely

Brenton & Selena Francis

66 Teddington Rd, Hampton, 3188, Vic

bfrancis@bigpond.com

0438 204 692 (Brenton)
2. Mr James Stuart-Menteth (A)

Bayside Planning and Amenity Committee

11 August 2020

67 Teddington Road, Hampton

Agenda Item 4.10

Written submission on behalf of the Permit Applicant

Key points

- Modest side-by-side design on 766sqm
- Large landscape zones at the front and rear
- Pre-application consultation with Council has influenced the design
- Changes to first floor side setbacks largely achieve B17 at the rear
- Boundary fence discussions with neighbour (65) – good faith condition offered

Summary

Our clients have sought a modest double storey side-by-side development on a generous 766sqm site within a neighbourhood experiencing moderate change in the form of similar dual-occupancy development. The design incorporates generous ground floor setbacks, providing for excellent landscaping opportunities at the front and rear. The entry configuration for Dwelling 67A is such that it provides a generous side setback, which will maintain a sense of spaciousness at the front of the site. All ground floor setbacks are at zero or 2m-3.46m well in excess of the Bayside modified Standard B17.

Side setbacks at first floor vary according to context and at the more sensitive rear part of the site in response to backyards, while very minor variations to B17 are proposed, the intent of the control is met and for the most part, these variations are proposed opposite non-sensitive side setback areas where impacts will be limited. It is important to note that the proposed first floor footprint does not project beyond the line of roofed alfresco areas at the rear of both adjoining properties and therefore the first floor will not have a direct impact on the back yards.

A landscape plan has been prepared by Formation Landscapes showing 3 x 5m high canopy trees within the front setback in addition to canopy trees within the side courtyards and rear yards.

We note that concerns were raised by objectors in relation to car parking provision and traffic generation. Both dwellings provide at least 2 on-site car parking spaces in accordance with the rate
set out at Clause 52.06. There is no requirement to provide in excess of this rate under the Planning Scheme. Council’s Traffic Engineering team support the proposal.

Our client entered into discussion with the neighbour at 65 Teddington Road in relation to a boundary fencing matter and an offer to provide a 50mm setback (to allow for a continuous fence line) has been put to the Planning Officer for inclusion as a condition in good faith.

We support the recommendation as printed save for proposed condition 1(a) which should be deleted given the front setback is transitional and the large side setback provides for a generous landscape setting. We also note that both adjoining properties feature projecting car ports which come as close as 4m to the street.
Item 4.11

80 William Street, Brighton
1. **Mrs Rosy Clarkson (O)**

I would like to object to the application by the Cluden Cricket Club to amend a planning permit. The application is to amend Planning Permit 5/2012/135/1 Sale and consumption of liquor in association by:

- Increased hours of service
- Increase in red line to match new pavilion

The Cluden Cricket Club is on the William St Reserve in Brighton and is immediately surrounded by residential properties. The closest residence is less than 20m from the club, whilst my house is less than 40m from the club. Furthermore, there is a children’s playground and a basketball court which are also situated less than 50m from the pavilion, and adjacent to the park.

My reasons for the objection are as follows:

- The 1pm start time for the sale and consumption of alcohol is early and will be witnessed by children playing both in the playground and on the basketball court. It sends the wrong message to young children about sport, fitness and alcohol. It is an open space and the licence would allow for drinking outside, being visible by all the children at the park. Both the park and the basketball court are constantly being used. Prior to lockdown, there was rarely a time during daylight hours when there were no children present. Both the outside and inside drinking areas of the pavilion are clearly visible from both the playground and the basketball court. I have included photos which show the proximity of the club rooms to the playground. It would be irresponsible for any local sporting organisation to serve alcohol so early in the day. It would also be very intimidating for parents to bring their young children to an area with adults drinking in close proximity. This proposed start time goes far beyond “having a few drinks after the game” and turns the sporting rooms into a bar.

- The 11pm “last drinks” effectively means a midnight finish. In the past, the members and their friends were very slow and loud while exiting the venue/carpark and could be clearly heard doing so. It is a quiet, residential area and, as well as their loud voices, the noise of their cars leaving the car park reverberated throughout the area. On numerous occasions, we have witnessed alcohol being consumed well after the specified licence hours and outside of the building. There is a strong culture of drinking at this club, having lost their liquor licence in the past, and this culture continues as has been told to us by several existing club members. The noise level after the completion of the pavilion was excessive throughout the past cricket season. I was told by Bayside City Council that spectators are not allowed to drink whilst watching children’s sport and yet they were still out there drinking every single Friday night while watching the boys play cricket. Upon replying to this point at the Liquor Commission this year, the club stated that it was always “members of the opposite team” doing the wrong thing (even though we personally know members who were drinking on the opposite side of the park from the club room where they couldn’t be seen because “the president told us we can’t do anything wrong during this application!”). I have several texts on my phone from an existing member stating that the boys of the Cluden CC Under 16 team which won the premiership on March 13, 2020 were underage drinking after the game with their parents’ permission at the home of a member who lives adjacent to the park. The person who sent me those texts has a son on that team and was not impressed. I had to go outside and tell the boys to get down as they were climbing dangerously on the cricket nets after they’d been drinking alcohol. Fortunately, I reached them just as one was about to climb onto the roof of the nets! After ensuring that he got down safely, I told them to
quieten down and go home. I am happy to show you the texts which are still on my phone. I have already sent a screen shot of them to Sara Townsend (Recreation and Events Coordinator – Bayside City Council) as I reported this when it happened. As I said, it is a club which has historically not followed rules.

- The Club is asking for an 11 hour drinking window on a Saturday. 11 hours!!! I’m questioning whether it is a sporting facility or a pub?

- Both of my sons, prior to lockdown, played high level sport on a Sunday and go to bed early on a Saturday night. It is unacceptable for them, or any of us, to be subjected to drinkers/noise so late on the weekend when we are trying to sleep. There are two hotels (Half Moon and Hotel Brighton) within a kilometre from the club where the members can continue their drinking if they choose. We were happy to compromise with the club during the initial application and felt we were reasonable in allowing them to drink until 9pm, which in the past has meant they often leave at 10pm. This is reasonable. 11pm isn’t.

- I understand that sporting clubs rely on the sale of alcohol for revenue which is why we agreed to the conditions when the club initially applied for their licence several years ago. My concern, at the time, was that they would then try to extend their hours and I was assured that this would not happen. In fact, I supported the club and encouraged all of our neighbours to do so too because I honestly believed that they would do the right thing by us. I am so disappointed that they have gone back on their word and now regret giving my initial support to Cluden. I recently spoke to Andrew Bath (President of the Cluden Cricket Club) prior to the Liquor Commission making their decision and expressed my concerns and he stated that, while he is president, nobody would do the wrong thing. I asked him if he intended staying until close every time the club served alcohol and he said no. I then asked him if the licence and permission to use the building to serve alcohol got through, would he like to live where I live and he said no to that too! He also had no response when I asked him what kind of message drinking all day sends to the young children playing in the playground. I pointed out that he will not be the president forever and he cannot control how the next president runs the club.

In closing, I am not objecting to the Cluden Cricket Club having a liquor licence and being able to sell alcohol from the premises. Whilst I personally believe that it would be irresponsible to allow alcohol to be served as early as 1pm in full view of young children, I will leave it up to the Bayside City Council to decide on that point as it impacts our community more than me directly. However, I do ask that council supports us to not allow an 11pm finish. This will negatively impact the quality of life of so many more people than the number that would benefit from it. There is nothing positive to be gained from such a late licence approval.

I welcome the opportunity to discuss this further with you.

Yours sincerely,

Rosy Clarkson
6 Tucker Avenue
Brighton VIC 3186
0408 804 704
Photo taken from the edge of the children’s playground showing the proximity to the club rooms.
Photo taken from the edge of the basketball/netball court showing the proximity to the club rooms.
Photo taken from the edge of my neighbour’s property showing the proximity to the club rooms.
Photo taken from the edge of my property showing the proximity to the club rooms.
2. Mrs Wilma Kluukeri (O)

Dear Sir/Madam,

I am objecting to the application by the Cluden Cricket Club to increase their hours of service for use at the pavilion and increase the red line plan to match the new pavilion.

I have lived at 5 Tucker Avenue, Brighton since 1991. This property is adjacent to the pavilion and I am concerned about the noise level that will be associated with extended licencing hours. My husband, who turned 90 in March, and I enjoy living in our home and we are upset and concerned at the impact the extended licencing hours will have on our health and lifestyle. We are in bed early for health reasons and an 11pm liquor licence allows for drinking well beyond that, combined with the noise level as people leave the pavilion. We have found from past experience that the noise can go on long after last drinks. The bedrooms in our house are barely 30m from the pavilion and we hear everything that happens there as the noise is exacerbated in the quiet of night. This pavilion is unusual in that it is not set in a reserve away from housing – it is situated in a spot that is very close to residential homes. I find their application unacceptable.

I also believe the 1pm start is far too early. I have watched the park greatly grow in popularity with the addition of the basketball court and the new playground. I believe that children playing should not be exposed to people drinking alcohol so early in the day. If this application is approved, that allows an unacceptable amount of time (10 hours plus “last drinks”) for alcohol to be consumed. This is a community sporting club 30m from my home but the licence could well turn it into a venue not dissimilar to a hotel. Council is currently spending a substantial amount of money improving local sporting facilities for the youth in the local community and the imbalance of this with the approval and support of extended liquor licencing hours sends a confused and mixed message to everyone.

Finally, like many of my neighbours and contrary to what has been reported to the Victorian Commission for Gambling and Liquor Regulation, I have seen the current licencing agreement broken on a regular basis, often weekly, with people from the Cluden Cricket Club drinking outside when they shouldn’t be. This will only worsen with the new, updated facility. It is clear that the club has some members who push the boundary of conditions and refuse to follow them. I have resided here long enough to have seen some disgraceful behaviour by the club members, even resulting in the club having a previous liquor licence removed. I was concerned when the club approached our neighbours to support the reinstatement of their licence which was reluctantly agreed to under the strict conditions of limited hours. This application goes completely against what the neighbourhood was falsely led to believe.

I am available to be contacted if you wish to discuss this further.

Wilma Kluukeri
5 Tucker Ave, Brighton
0411466723
3. Mrs Jane Reed (O)

PLANNING AND AMENITY COMMITTEE MEETING August 11, 2020

REQUEST TO BE HEARD – Jane and Gary Reed

Re: Application No 5/2012/135/2

Address: 80 William Street BRIGHTON

Proposal: Sale and consumption of liquor in association with a sporting organisation

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We live at 4/97 Wilson Street Brighton. We have lived there since 2002. Our home backs directly on to the William Street Reserve.

We enjoy the quiet and peaceful ambience of the Reserve and enjoy seeing local residents using the park, whether for dog walking and/or playing cricket and football.

We are supportive of the new Facilities Pavilion for sporting activities for both male and female players of all ages.

Whilst we accept the current liquor licence, that permits Cluden Cricket Club members to RESPONSIBLY enjoy an alcoholic beverage with their mates following the conclusion of their sporting activities inside the pavilion, our experience is that responsible consumption of alcohol has not always been the case.

The new facilities pavilion is in a quiet, non-commercial/residential setting and very close proximity to our home and that of our neighbours in Tucker Avenue and William Street.

We are extremely concerned and fearful that the quiet and peaceful, community suburban neighbourhood where we live, will be destroyed by allowing for the increased sale and consumption of alcohol by

a) Turning the sports facilities pavilion into a Function Centre

AND
b) Contributing to non-family friendly behaviour by patrons consuming alcohol while watching the cricket at weekends, as we experienced this past summer by Cluden Club supporters during the cricket finals.

We are opposed to and object to the proposed amendments for the following reasons:

1. The purpose of the new pavilion is to provide facilities for sporting activities. Not for the commercial sale and consumption of alcohol for 10 hours of a Saturday (1pm-11pm), for 6 hours of a Sunday (1pm-7pm) and for 4 hours (5pm-9pm) on Tuesdays and Thursdays.

2. The new facilities pavilion is not a Pub. It is not a Bar and it is definitely not a Function Centre – as the planning permit amendment is requesting. So that the Cricket Club can hold functions between October and March for 100 patrons for an unlimited number of events as requested including: Trivia Fundraising Nights, Presentation Nights, Birthday Parties and Milestone Celebrations.

3. The permit application says there will be minimum of 5 functions per season, however there is nothing to stop the Cricket Club having a party every Saturday night and Sunday afternoon for that matter. And even if it is only 5 events per season, the traffic noise, parking issues and general disruption of loud and noisy patrons with 100 people arriving and leaving events in our quiet suburban neighbourhood is totally unreasonable.

4. And the events themselves - with music being played and the ambient noise of 100 patrons partying late at night so close to where we live, will disrupt the quiet enjoyment we have a right to in our own home.

5. With regard to the service and consumption of alcohol around the ground, the Cricket Club states they cannot patrol unrelated parties. We believe if people are there to watch the cricket, then the Club should be responsible. If they can’t police them, then we question the Club’s right to hold a liquor licence at all.

6. The Cluden Cricket Club states that they police their members and guests very strictly and that they must consume alcohol in the designated area. In our experience this is not always the case. Last summer during the final series on Saturdays and Sundays there were males in Cluden Cricket Club gear/colours/hats consuming alcohol whilst watching cricket matches along our back fence abutting the Reserve. The language we could hear in our back garden was loud, aggressive and not respectful. It was quite intimidating to the point where we did not feel comfortable to ask them to tone it down. The behaviour demonstrated only serves to underpin our objection to an increase in times alcohol can be sold and consumed.
IN SUMMARY

We object to the planning permit application amendments.

The increased hours for the sale and consumption of alcohol will lead to the sporting facility becoming a Function Centre for an unlimited number of events for 100 people. Given the close proximity of where we live, this will destroy the quiet enjoyment and peaceful neighbourhood setting of our home due to associated partying noise, increased traffic/parking issues and general disruption of people coming and going to the various functions that will be held.

The sport facility pavilion is in a NON-COMMERCIAL residential neighbourhood setting of a recreational park. This is not an appropriate setting for a commercial Function Centre.

We are concerned that the increased sale and consumption of alcohol will lead to further non-family friendly behaviour as we have witnessed by Cluden Club members/supporters during cricket games being played in the past.

We are prepared to accept the existing liquor licence arrangements and recommend that these arrangements remain, without any further increase to the sale and consumption of alcohol.

Further to this we recommend that the Cluden Club continue to hold their trivia nights, presentation nights, private birthday parties and milestone celebrations at an appropriately and commercially licensed venue in a non-residential setting. We understand that Hotel Brighton is a sponsor of the Cricket Club. We suggest that this a more appropriate venue to be holding their functions.

We note that the William Street Reserve forms part of the Cluden Estate that was willed to the community with the condition it be used for public recreation.

We believe that as the Bayside City Council is the custodian and ultimately responsible for the William Street Reserve, it is Council’s responsibility to ensure the land be used for the purpose that it was willed to the community: that is for public recreational such as sporting activities like playing cricket, football and dog walking. We believe that the commercial sale and consumption of alcohol is not “public recreation” and is not consistent with the Cluden Estate grant.

Finally, we respectfully ask that the Committee Members reject the application to amend the planning permit for an increase in hours of service of alcohol based on the reasons we have outlined,
in order to preserve the quiet enjoyment of the family-friendly neighbourhood of the William Street Reserve where we live and the sole purpose it was willed to the community.

Jane & Gary Reed
4/97 Wilson Street Brighton
4.  Mr John Wilczek (O)

We refer to the detailed Objections of Mr Gary Reed and Mrs Jane Reed of Unit 4/97 Wilson Street., which we have carefully studied. My wife and I are next-door neighbours.
We absolutely agree with, and support, and voice the same objections.

We understand that the 95 year old widow in unit 3 and the widow in unit 1 are equally concerned about any extension of drinking hours or increase in the frequency of function events in this - hitherto- quiet residential neighborhood.

I, John Wilczek, am aged 82, have had 2 open heart surgeries and have suffered 3 strokes. I must avoid stress.

J and P Wilczek
5. Mrs Clare Davison (O)

I have resided at 3/97 Wilson Street Brighton for twenty seven years and have enjoyed the happy and peaceful atmosphere of the Wilson Street Reserve all these years. My home backs onto the Reserve.

I support the current liquor licence of the Cluden Club, however I strongly object to the extension to the hours of the license and to the Sport Facilities Pavilion becoming a Function Centre.

I am worried about the noise levels from the Pavilion, where people will be drinking alcohol and partying inside and outside until late at night and all day Sundays. And the associated noise from traffic and parking issues that will occur with so many people coming and going. This will change the dynamic of this wonderful community park.

I urge the Bayside Council and the Committee Members to reject the proposed application for an extension to the hours of sale and consumption of liquor and to allow this popular Reserve to remain as a safe and well-maintained community facility for the enjoyment of all the people who play sport, the dog walkers and the mums and dads who play with their children there.

Clare Davison
3/97 Wilson Street Brighton
6. **Mrs Jenna Nichols (O)**

Although we do not agree completely with the outcome, the reduced hours, and only 5 nights a season to 11 pm it is a better outcome than what was initially proposed. Thank you.

Kind regards
Jenna Nichols

7. **Mr Murray Collins (S)**

I am a local resident to Cluden Cricket Club, and I support the club's application to Bayside City Council for a liquor licence.

Sports grounds are central to our community, not just for the sport itself, but they are meeting places for friends, and areas where a diverse group of people can engage and interact. With the loss of so many popular pubs in the area, CCC is an opportunity to combine our love of sport, with socialising and mateship.

Given the impacts of COVID-19 and the challenge of keeping youngsters entertained, it will be important for them, as well as mums and dads, to see local people come to support, cheering them on and engaging as a community.

In particular, I feel it will be most important for the 18-30 age group. COVID-19 has had a devastating impact for many, as young men and women start out in business or on their own, wanting to raise a family and generally trying to find the positives ahead. Knowing local people will come to watch and have a drink, will provide opportunities to meet prospective employers, clients, business partners and mentors.

I have played sport for many years, and appreciate it is one of the few opportunities where young and old mix freely, where conversations commence no matter background and circumstance. As we try to rebuild our society in the coming months, and years, community sports clubs and groups, such as Cluden Cricket Club, will play a significant role in getting us all back on our feet.

A recent report stated that one in four community clubs are not expected to survive the pandemic. To ensure local Bayside community clubs do survive, we should be doing all we can to enhance, not hinder them.

I look forward to heading up to CCC in an evening and at the weekend, to support my local team, and have a drink with friends who live nearby.

Regards
Murray Collins
8. Mr Frederik Keppens (S)

I am in favour of Cluden Cricket Club getting a liquor license. More booze to the people! Also, it would be nice to drink a beer while watching a local game and supporting a local organization.

9. Mr Andrew Mullins (S)

As a local resident and father of three children who use the Cluden Cricket Club oval and nets every day through all seasons, the club has become an important focus for the community to not only enjoy sports and recreation but also to enjoy the social benefits of meeting as a community. I fully support the club’s application to gain a liquor license to further enhance the community’s use of the club for social purposes. Thankyou.

10. Mr Andrew Frawley (S)

I think it would be a great initiative to have a further liquor licence for a great social club at Cluden Cricket Club

11. Mr David Mitchell (S)

I fully support the proposal requesting the granting of a liquor license to cluden cricket club. This is an opportunity to allow a local club to raise additional funds and provide amenity to the local community and capitalise on the significant investment in the facilities at the park.

12. Mr David Gibson (S)

As a local resident and father of two children who use the Cluden Cricket Club oval and nets throughout the summer season, the club has become an important focus for the community to not only enjoy sports and recreation but also to enjoy the social benefits of meeting as a community. It is an important part of any sporting club to be able to enjoy a beer, wine or soft drink after a game and provide for visiting sporting teams. Also to provide supporters to enjoy same whilst supporting the teams. I fully support the club’s application to gain a liquor license which will allow the club to thrive and will increase the chances of the club attracting players and supporters. Thankyou
13. Mr Jivaka Jayasundera (S)

My two sons are starting out at Cluden Cricket Club, hopefully my daughter too, and it will be fantastic for the community to gather to watch local games. While this is already possible the addition of a liquor licence will help the club's finances and also add to the attendance and interest in the club, which I fully support.

14. Mr Stephen Smith (S)

I support a Cluden Cricket Club’s application for a liquor licence. Being able to support local level sport by having a drink and channeling funds and attention to the club is a win for all.

15. Mr Nicolas Kemp (S)

I would like to support the introduction of a liquor licence at the Cluden Cricket Club. The council had done a great job at improving the amenities at the Cricket ground and it would be a waste of council money to not maximise the value of the fantastic facility.

16. Mr Jim Galanopoulos (S)

The Cluden Cricket Club are an important member of the local community, providing recreational and social opportunities across the demographic slices of our suburb. This licence, the conditions attached to which will be responsibly adhered to, will enable the Club to optimise the new club rooms and maintain and enhance its role.

17. Mr Scott Bull (S)

I’m in full support of Cluden Cricket club getting a liquor license, as they have had in the past. They are great community club very well organised and they are responsible thanks Scott Bull

Ps- I have three young children that all play at the club aged seven, nine And twelve.
18. Miss Alissa Amey (S)

I have been playing with the Cluden Women's team since it's inception in September 2018. I have found a great community within the Cluden Community. I look forward all year to sunny Sunday's playing cricket with the girls and take pride in being apart of the team. As both a player and often a spectator, one thing that makes the game days that much more fun is being able to have a drink after a game and catch up with players and friends.

I moved to Australia in July 2018, and Cluden quickly became a big part my social life. With the events and games, I feel proud to be part of the Club. Going forward, a liquor license would provide us with the opportunity to hold more fund-raising events and community events at our beautiful new club rooms.

19. Ms Amanda Stark (S)

I strongly support the granting of a liquor licence to Cluden Cricket Club during and after games for the senior players, namely 1pm-11pm on Saturdays and 1pm-7pm on Sundays, during the cricket season and for special events.

I have watched my 2 sons grow up playing cricket at Cluden. I am a mother of 2 boys who play cricket. 2 years ago when Cluden put up a womens' team I was welcomed with open arms, despite my age. It is great being part of a team and part of a community. I remember a few years ago when one of the senior teams won the premiership, they were able to celebrate with a few beers as the venue they were in was licensed. When my team won our premiership earlier this year, we were not so lucky. Despite having lovely facilities, for us all to celebrate over a beer or 2 we had to go to the local pub, still sweaty after our afternoon's exercise. It would have been much nicer to have celebrated in our club rooms that Sunday afternoon. We all left by 7pm in any event.

Cluden Cricket Club does a lot to bring the community together. I cannot see any harm in them providing a safe environment for adults to come together, socialise and discuss their mutual love of cricket. I have met many people from diverse backgrounds watching the game and being able to share stories over a wine or beer only adds to the experience.
Dear Councillors,

I have been involved with Cluden Cricket Club since joining as an Under 12 player in 2007. Over the last 13 years, I have risen up the ranks as a junior and senior player, where I have now been junior coordinator for the last five years and currently are the Vice-President of the club.

Over the last decade, our club has gone through major changes on and off the field, with Cluden becoming the place of choice of many male and female junior and senior cricketers, making us one of the most popular clubs in the entire South East region.

I have been lucky enough to work first-hand on a number of major projects which have improved the overall aspect of the William Street complex, with the Council doing a fantastic job of our newly redeveloped pavilion and nets.

Our vision of Cluden is to be one of the most respected community clubs across Australia, where we have an opportunity to provide a safe and enjoyable space of all ages and abilities to play cricket. As a community club, we have the responsibility to work with our members, the residents around William Street and local businesses across the region. We are a diverse club and are always looking to partner with all major stakeholders in our zone.

Our women’s program is one that many other clubs envy, with our club winning an inaugural premiership this season. We are a welcoming club with none of our female players having played cricket before joining Cluden. As a community club, we are so proud of what we have achieved and where we can get to over the next decade.

As part of our inclusive club, we want to provide a social setting for our members to get together and mingle. With the opportunity to serve morning coffees, as well as the opportunity to mingle with opposition teams after games over a drink, we think we can provide a place where members want to be during the summer months in Bayside.

We understand how important it is to work with our local community and are always looking to grow as a club. Given the current environment of the COVID-19 landscape, we are working with a number of local businesses as season 2020-21 evolves, ensuring Cluden can play a key part in helping local businesses and communities during this tough time.

I have loved moving through the club during my cricket journey and have been lucky enough to see a number of friends in the club have their own journey and reach the phase of their career where they want to give back to the community and help play a key role in the club.

Our community spirit is alive when the season is up and running, with Cluden matches well attended and a plethora of senior players helping our junior games and ensuring we have a one-club feel right from Five to 80-year-olds.

I am looking forward to a strong summer and am looking forward to working with all stakeholders to ensure that if granted, Cluden abides by our new license and respects all members of our local community.

Should it be required, I am more than happy to answer any questions the Councillors have via video call or by phone.
Thank you for taking the time to consider our application and we look forward to your decision.

Kind regards,
Matt Balmer
Vice-President
21. Miss Monica Ward (S)

Bayside City Council

Re – Application No 2012/135/2 Sale and consumption of liquor in association with a sporting organisation

Dear Councillors,

I am an inaugural member of the Cluden Cricket Club’s Women’s team, one of the now 50 women players, and would like to make the following statement in support of the club’s application to amend its planning permit.

I would like to say that in my experience, the club has always been an inclusive and welcoming Community Cricket Club and has been run in a very considerate and cooperative way both towards members and the wider community. The values that are clearly demonstrated and evident are; family, community, respect and inclusiveness. As a young woman, I personally have always felt valued and respected and safe in this sporting environment. These are key factors that have made it possible for me to participate and to return year after year.

I believe that these are core values of this club and that the granting of this amendment would in no way impact on these values but ensure that the serving of alcohol is done within the framework of these values. This club has been community minded and focussed and would continue to be so, providing opportunities for the community to benefit as well as the club members.

My team won the first women’s premiership for the club last season and we hope to win many more! We would love to have been able to return to the club and to celebrate with a drink amongst the extended club community. Women only play on the Sunday and without a Sunday license we will never be able to do so as the men are able to.

Thank you for taking the time to read my submission.

Monica Ward
22. Ms Luisa Marrollo (S)

Dear Councillor’s,

Please hear my responses to the community concerns regarding Cluden’s application to amend a planning permit.

I just want to start by commenting on how supportive Cluden has been as a cricket club. From the moment they started their inaugural Women’s Team, I felt included, welcome, and part of a family. Cluden Cricket Club handles business and their players in a professional and sensible manner. Andrew as our coach has always been so supportive of the Women (most of whom have never played cricket before). He coached us and lead us to win the Grand Final last season, a historic occasion for the club.

I’ve been involved in many other competitive sports and all clubs that I have been a part of have had a bar to offer beverages to spectators and supporters. I believe that it would be unfair to strip this from our newly renovated club.

I don’t believe increased noise will be an issue, our games are played during the middle of the day and the bar would be used then. We don’t stay back at the club late after our games, we take our business elsewhere.

I don’t believe that there will be increased traffic there is ample parking for players and supporters and I can speak from my experience that most often we carpool to games with each other.

I completely disagree with the 'Increased hours being a bad example for the kids in the community'. On the contrary, I think this will bring more a lively, family friendly culture to the neighbourhood. I grew up around football clubs when I was young and it was perfect because the parents would socialise over cold drinks while the kids can play and have fun. Especially in summer, I wouldn’t be surprised if this attracts more community participation.

I have been a member of the Cluden Cricket Club for 2 years now and I can say that I have never seen or been a part of a situation where anyone has been disrespectful or inconsiderate of the community. We love the sport and the social aspect and that’s what this is about.

Whatever the outcome we respect your decision but I feel that it would be an injustice to the club but also to the community, an open bar will only enrich the experience; let us prove to you that this is the right decision.

Sincerely yours,
Luisa Marrollo
Cluden Cricket Club member and player
23. Mrs Liz Thompson (S)

My name is Liz Thompson, I am a mother of a 1 and 3 year old and joined the women's team at Cluden last year as a way of making friends in the area and having an outlet away from my children! I loved the idea of having a Sunday afternoon in the sun, mixing with a wide range of people and having some exercise. Cluden is a very welcoming club and the ability to have a drink and a chat after a game is very appealing. Cricket in the sun is thirsty work and currently we have to go offsite to have a frothy afterwards, often resulting in people (including myself) leaving and missing the social aspect of the game. Having a quiet drink at the club afterwards would not only encourage a greater sense of community but will boost revenue for the club.

Please consider the positives that a liquor licence will have on the Cluden community.

Liz Thompson

24. Ms Aish Ravi (S)

Sport is an integral part of our community. It brings people together. At a time where everyone’s mental health is fragile when we return, sport and social events that bring people together must be a priority. Public members of our community come and use our sport facilities for their dogs and personal benefit. The council has invested millions in sporting facilities to build and strengthen communities through sport and social activities. These facilities should be open for those purposes. Women's teams and social sport events surely should take precedence over dogs.

Part of creating an inclusive, welcoming, and safe environment, is the Club’s desire to provide a social setting where members and people from the wider community can gather, mingle, and socialise. This maybe over a coffee, or (at the times stipulated to us and within the rules that we abide by) over a drink whilst watching the cricket or discussing a day’s play, whether celebrating a win or dissecting a loss. As an example, it would have been great if last season, when our women won our first women’s premiership, they could have come back to the club, been embraced by the community and enjoyed a Sunday afternoon drink to celebrate. Under the previous rules, we would not have been able to do so as we have no Sunday license, and the women play on a Sunday.

Part of this wider community is the neighbourhood in which the club must coexist. As a club we understand this and are determined to make this work for the benefit of all. While the Club is committed to increasing its operating hours (as per its official amendment application), the club recognises the need to forge lasting relationships with others in the community built on trust and mutual respect to working together towards creating a strong healthy community.
Dear Councillors,

As President of the Cluden Cricket Club I would like to try and briefly outline our position as a club and more importantly what it is that we are trying to work toward as a Community Club within the wider Brighton community.

Before I do that, President is only one hat that I wear, and my stance on the application is probably as influenced by other hats that I wear within the club. As well as being a player at the club, I am also the father of a 13-year-old and 15 year old, who both play at the club, and my wife plays in our women’s team. In addition to that I set up and run our girls and women’s program, and that involves coaching the senior women and the 16 and under girls’ team, and I also coach an u14 team.

I say all of this so you can understand where my vision for the club comes from, and the fact that over the past seven years I have immersed my family in what I see to be a family club. Through that time the club has held a liquor license and as a family person, and ambassador for junior and women’s sport, as well as a player I have only had positive experiences at functions and after matches.

It is this that leads me to my vision for Cluden Cricket Club as a Community Cricket Club. I understand that as a Community Cricket Club, we have a responsibility and duty to operate for the benefit of the community in which we live. That community includes our member, the residents around the club, as well as the greater Brighton area and to the local businesses. We are and will continue to be, a diverse and inclusive sports club, who will look to work in partnership with all our stakeholders to ensure we provide a safe environment for all.

We believe that this is evidenced by the growth of our women’s program over the past 4 years, to the point where in the 2019/20 season we had 50 females turn out to play for the Cluden Cricket Club, a number that has grown 4 fold since we introduced the program. Additionally, we have grown to 12 junior teams, providing not only a place for children to play cricket but for the families who are part of the wider community and beyond to come together. This is in addition to our men’s teams, who provide ample opportunities for youngsters coming through to learn from and develop with our seniors. These teams include a parent and son team, where parents, mothers and fathers can play cricket with their children.

Part of providing this inclusive, welcoming, and safe environment, is the Club’s desire to provide a social setting where members and people from the wider community can gather, mingle, and socialise. This maybe over a coffee, or at the times stipulated to us, and within the rules that we abide by, over a drink whilst watching the cricket or discussing a day’s play, whether celebrating a win or dissecting a loss. As an example, it would have been great if last season, when our women won our first women’s premiership, they could have come back to the club, been embraced by the community and enjoyed a Sunday afternoon drink to celebrate. Under the previous rules, they would not have been able to do this as we have no Sunday license, and the women play on a Sunday.

Whilst the economics help the club with regards to funding equipment etc, the cricket and wider community element is key. For me, one of the main reasons that I play the game and love the game is not the contest in the middle, but the time spent off the field meeting new people, talking to opposition players, my team mates, stalwarts of the club and members of the community who come down to watch. It is what builds the fabric of a sports club and helps us add to the community as a safe and inclusive gathering place.
Part of this wider community is the neighbourhood in which the club must coexist. As a club we understand this and are determined to make this work for the benefit of all. In relation to this we would support the alteration to the times originally sort that have been suggested by the Planning team.

Should it be required I am more than happy to appear to answer any questions the Councillors have via Zoom (or equivalent) or by phone.

Thank you for taking the time to consider our application and we look forward to your decision,

Andrew Bath
President
Cluden Cricket Club
Item 4.12

9 Ruxton Rise, Beaumaris
1. Mr Graham & Adriana Mrs Horne (O)

Dear Chairperson and Councillors,

We wish to strongly object to the current planning permit application PP5/2017/382-3 at 9 Ruxton Rise, Beaumaris which seeks a number of amendments to the existing approved designs which will all have a serious negative impact on the amenity and privacy of our home at 25F Bolton Street, Beaumaris.

**Roof Top Deck**

We would like to make Council aware that the framework for the rooftop deck and staircase leading to it has already commenced construction illegally without going through the council process and obtaining a permit. A stop work order has been issued via the investigation team at Bayside Council after several onsite visits.

Our home has been designed to provide the garden at the rear, this is our only area of private open space and is accessed from the main living room. Anybody using the rooftop deck (even if they are beyond a 9m arc) will look directly down into this area and we will have no privacy in our own home. See below photos taken from inside our family room showing overlooking to our al fresco area and family room:
Tradesmen are still working in the proximity, and can view directly into our outdoor living area, indoor family room and upstairs bedrooms. This clearly shows that if this application were to be approved, when the occupants are standing on the roof deck they will be able to directly overlook our only rear outdoor space and look directly into our living room windows and first floor bedrooms windows.

The result of the enormous size and orientation of the roof deck will create an intolerable situation of almost constant opportunities for overlooking into our home. The roof deck in its current size will be a dominating feature of the building when viewed from the rear of my home, from the street and from neighbouring properties.

Our daughter’s bedrooms are at the rear of our house and face towards the proposed rooftop deck. See the photo below taken from this bedroom. We have designed our windows to be 1.7m above the finished floor level so as not to overlook our neighbours rear gardens. This roof deck will be able to look directly into these bedrooms.

We note that Clause 54.04-6 of the Bayside Planning Scheme has the objective “To limit views into existing secluded private open space and habitable room windows”. There has been no attempt whatsoever to limit views into our habitable room windows or areas of secluded private open space. The result of the design will be a huge impact on the amenity of our secluded private open space and habitable room windows. At present we are not overlooked.
by anyone, as a result of these proposed changes we will be wholly overlooked by our neighbour to the north.

Given the impact on our liveability, privacy and overlooking issues, we strongly oppose the approval of the rooftop deck and staircase tower. It has been illegally constructed and we request council to issue an order to remove it entirely.

**Town Planner’s Recommendations for Roof Deck**

In relation to the town planner’s recommendation to the reduction in the size of the roof deck and setting it back at least 2m from the roof edge and the requirement for 1.7m high screens at 25% visual permeability (as per Recode). The recommendation for screening is different to the advertised plans which show a solid wall to 1.2m high and then a 500mm screen on top of that which was screened to 25% permeability. If council decides to approve the roof deck according to these recommendations, we request that the screens to the roof deck be a solid wall to 1.7m not 1.2m wall with horizontal slats on top. We believe the horizontal slats screening alone will not be acceptable screening to provide privacy and noise reduction.

**Roof deck Staircase Tower**

In relation to the town planner’s recommendation there is no mention of the staircase leading to the roof deck. For the roof deck to be setback 2m from the edge there is no mention of how this affects the access to it. This doesn’t address privacy and amenity issues arising from the access to the deck. No screening is proposed at all from this staircase, it is proposed to be 4m from the property boundary, anyone using the staircase to access the deck will be able to look directly into our outdoor open space, living room and daughters bedrooms as shown above. This is completely unacceptable. You’ll see from the photos above that the framework for the staircase has already been constructed (illegally) it has the appearance of a three-storey structure close to our boundary. A roof structure over the staircase would render this a three-storey dwelling and the visual effect of an additional storey would be unacceptable to the outlook from our home. We request the staircase be setback 2m in line with the deck being setback 2m. We request that the staircase be screened in line with the roof deck as currently when people are using that stair case they will have a direct view down into our outdoor space, living room and upstairs daughters bedrooms.

**Overshadowing**

No shadow diagrams have been submitted with this application, we are unable to ascertain whether there will be any further overshadowing impact on our rear private open space or habitable room windows. We also note that three storey development is prohibited by the s173 agreement registered on the title for all lots within the RSL development (8m limit above natural ground level). The application should be resubmitted with plans that accurately show the overshadowing impact resulting from the design changes. We reserve the right to make
further submissions regarding the impact of overshadowing once correct plans have been provided.

1st Floor Dining Room Window and Balcony

The previous approved designs for this elevation showed a notation which required horizontal slat privacy screens to upper level windows or obscure glazing to 1.7m above the finished floor level, as shown in the extract below. A similar notation applied to the south facing 1st floor balcony.

The current plans before Council do not contain this notation, they have reduced the dining room window to 1.5m above finished floor level and contain no notations for obscure glazing of any kind on this elevation. We strongly object to these changes, the result will be the ability to look directly out of this window into our daughters bedrooms, living areas and rear private open space. As per the roof deck, no attempt has been made to limit views into our habitable room windows or private open space. The result of the amended drawings significantly increases in overlooking from the dining room and balcony to our detriment. The proposed changes mean that the dining room window and balcony do not comply with Standard A15 and must be refused. See photo below taken from dining room.
As per the town planner’s recommendation, we request screening to both the dining room window and the balcony to comply with Standard A15.

Appearance of Southern Elevation

The previous approvals shown below was a more attractive, single pitch roof with less visual bulk and scale facing towards our property. We would much prefer the previous design be constructed on this lot, it is a better architectural outcome and satisfactorily protected our amenity, the current design clearly does not.

May I note that when we were designing our home, we did this in accordance with the council and building regulations to minimise overlooking to our neighbours. We also considered the previous passed plans at 9 Ruxton Rise to design our home appropriately and these current plans do not satisfactorily protect our amenity as did the previous plans.

The proposed design response is an inappropriate addition to the neighbourhood character and not in accordance with objectives of the Neighbourhood Residential Zone.

Previous Plans:
Proposed Building Height and Site Coverage

I would like to draw council’s attention to the planning report accompanying the application which contains several errors and inconsistencies:

The response to Clause 54.01-2 and 54.03-3 refers to a proposed site coverage of 51.95% and that this is under the maximum prescribed site coverage of 60%. This is incorrect, the maximum site coverage in Schedule 1 to the NRZ is 50%. The proposal should be reduced in scale to meet the 50% limit in the NRZ1.

Clause 54.04-1 references proposed heights of walls but only to the roof section, it does not include the overall height of the rooftop screens. The screens are part of the overall building and should be setback in accordance with the setbacks of the NRZ1 Schedule Standard A10.

Conclusion

In conclusion, we would like to draw to the Councils attention that many of the amendments requested by this application are already under construction without having first obtained a permit approval. We ask that this complete disregard for the correct planning processes by the applicant be considered when determining Councils response to this application and the direct impact these changes are already having on our home with the structure already built. If these plans are approved, it would have a dramatic effect on how we live in our home. We would be forced to have our blinds at the rear of the home permanently closed to avoid direct overlooking into our habitable living rooms and bedrooms. We would also be unable to enjoy our outdoor space in privacy.

We appreciate the Council allowing us to provide this written statement due to COVID19 conditions and look forward to a decision being made that aligns with the ethos and original proposed scapes for the Beaumaris RSL development at Ruxton Rise.

Yours Respectfully,

Graham and Adriana Horne
25f Bolton St. Beaumaris, 3193 VIC
2. Mrs Lisa Williams (O)

Objection on behalf of Graham and Lisa Williams - 11 Ruxton Rise, Beaumaris

We wish to strongly object to the current planning permit application PP5/2017/382-3 at 9 Ruxton Rise, Beaumaris which seeks inappropriate and wholly unacceptable changes to the previously approved designs for the neighbouring lot to our home. We own and occupy the home at 11 Ruxton Rise, immediately to the west of the application.

Council should be aware that a large number of the changes requested by this application are already under construction on the property without first obtaining approval from Bayside Council. We trust Council will pursue all possible avenues with regards to enforcement proceedings for the works done without a planning permit.

Our objection can be summarised as follows:

**Overlooking and Loss of Privacy and Amenity**

The inclusion of such a large roof top deck will have a serious effect on the privacy of both my home and my areas of private secluded open space. Anyone using the roof top deck will be able to view directly into my children’s bedroom and our master ensuite as shown in the picture below:
As you can see from the pictures the roof top deck is currently under construction with the slab and framework already in place. Whilst the elevations note a 1.2m high solid screen with an additional 500mm top of no more than 25% visual permeability, we find the overlooking opportunities into our bedrooms being created by this proposed rooftop deck to be wholly unacceptable. At present there is no opportunity to provide overlooking into our bedrooms, living areas or rear garden from the house at 9 Ruxton Rise, the inclusion of a large roof top deck will totally alter this to an unacceptable level.

Our primary area of secluded open space is at the rear of our house and will be impacted by the views possible from this rooftop deck irrespective of the screens. People will more than likely want to face south towards the bay and in turn towards our property looking into our garden and windows.

We note that Clause 54.04-6 of the Bayside Planning Scheme has the objective “To limit views into existing secluded private open space and habitable room windows”. We ask how the inclusion of such a large roof top deck could possibly be “limiting” views into our property, it is massively increasing the views into our property even if they are somewhat screened to a limited extent and only to 1.7m.

We are also very concerned about the noise from people using the deck, particularly in the evening and the negative effect this will have on our amenity. The deck will be capable of holding large numbers of people who will be directly facing our bedrooms and rear garden. The deck has been designed with no consideration whatsoever for our property, the design and orientation of our house, the location of our habitable rooms/bedrooms or our private open space.
Building Envelope & S173 Restrictions:

The approved building envelopes endorsed by VCAT at the time of the original subdivision permit (2014/516 copy attached) specified an envelope setback on lot 7 (now 9 Ruxton Rise) of 2m from the boundary with our property. The previously approved house designs for this lot complied with this setback, the current designs do not. A section of the roof of the ground floor encroaches significantly into this side setback:

![Fig 1 - Encroachment of Roof Outside of Approved Building Envelope]

We also note that the applicant is required to install screens which raise the overall height of the house. Section 6.2 of the s173 agreement specifies that an owner must not construct a dwelling or building above a height of 8m. No overall maximum height above Natural Ground Level (NGL) is specified anywhere on the plans, only to the top of the lower section of screens, the plans should be amended to accurately reflect the overall height of the house including any screens noting any part of the house including the rooftop screens above 8m is prohibited by the s173 agreement restrictions.

The effect of the rooftop screens will be to create the impression of a three storey structure, there are no three storey buildings within the Beaumaris RSL subdivision, in fact the height is limited to 8m above NGL in the Section 173 agreement on each lot and the Neighbourhood Residential Zone specifically prohibits developments of more than 2 storeys. We will be presented with effectively a three storey sheer wall looking east from our bedrooms and living areas which is not acceptable. The proposed design response is an inappropriate addition to the neighbourhood character and not in accordance with objectives of the Neighbourhood Residential Zone.
The outcome of this non compliance with the approved building envelope is building mass and bulk closer to our boundary, this will reduce the visual separation between the two houses. At the very least the built form should be contained wholly within the setbacks and height prescribed by the building envelopes and s173 restrictions registered on the title.

**Changes to the Previously Approved Drawings**

There appear to be a number of changes to the previously approved design that will result in a far worse design and outcome for our outlook and amenity.

Previously the endorsed plans showed a single pitch roof which angled down towards our property reducing the overall height towards the western boundary to a maximum of 4.4m above NGL, added visual interest and articulation and achieved a reduced visual effect of visual bulk. The amended design has replaced the single pitch with a flat roof (presumably only to accommodate the roof top deck) which has increased the maximum height to approx 7.5m above NGL at this interface when the rooftop screens are taken into effect. This has massively increased the effective height of the proposed home yet no shadow diagrams have been submitted with the amended application. We require the applicant to submit updated shadow diagrams clearly showing the effect of the proposed changes in built form, and the full height of the roof decks, on the overshadowing of our windows and rear garden. We reserve the right to make further objections on receipt of the above shadow diagrams.
The new plans do not adequately describe the proposed finished site levels along our shared boundary. The location and finished level of the pool is not shown to any degree of accuracy and we are concerned about how this boundary will be finished, the height and form of any retaining wall required and methods employed during construction to ensure site safety, see extract below:

The planning report accompanying the application contains a number of errors and inconsistencies which we wish to bring to Council’s attention:

The response to Clause 54.01-2 and 54.03-3 makes reference to a proposed site coverage of 51.95% and that this is under the maximum prescribed site coverage of 60%. This is incorrect, the maximum site coverage in Schedule 1 to the NRZ is 50%. The proposal should be reduced in scale to meet the 50% limit in the NRZ1.

Clause 54.03-2 references the overall building height at 41.14 AHD to the top of the 1.2m screen. The overall building height should be expressed as metres above NGL and to the top of the entire screen not just the bottom section. Any part above 8m (including any screens) is prohibited by the building envelopes registered on title.

Clause 54.04-1 references proposed heights of walls but only to the roof section, it does not include the overall height of the rooftop screens. The screens are part of the overall building and should be setback in accordance with the setbacks of the NRZ1 Schedule.

We acknowledge that some properties within Ruxton Rise have managed to include a rooftop deck, however these have been done in a more appropriate way, have been better integrated into the building and are of a modest size. This proposal is none of those, will seriously affect the amenity and enjoyment of our property and should be refused.
3. Mr Matthew Shaw (O)

9th August 2020

Mr Matthew Cripps
Manager Development Services
Bayside City Council Planning and Amenity Committee
PO Box 27,
SANDRINGHAM, VIC. 3191.


9 Ruxton Rise Beaumaris.

Dear Sir,

I refer to my objection to the above Application which, I submit, addresses all relevant planning matters, so the purpose of this letter is not to re-state those matters, as they stand as remaining relevant, but to make a submission in lieu of my right to be heard at the relevant meeting at which this Application is to be considered.

I have reviewed the recommendations of Council’s Planning Officer forming part of the Agenda and have noted, with great disappointment, that the owner and builder of the residence at 9 Ruxton Rise is, by the recommendations, likely to be rewarded for undertaking totally illegal and un-permitted work by commencing construction of a rooftop deck and seeking retrospective approval of the departure from the approved and endorsed plans existing for the property without any form of consultation with affected neighbours.

In doing so, notwithstanding the unique controlled development opportunity the former Beaumaris RSL has represented and continues to represent, the Planning department is clearly making a statement that rooftop decks in the subdivision have become the “norm” rather than the exception and have “green lighted” such conduct in the future. In addition, from those recommendations it appears the officer has only considered the relevant planning regulations interfaced with ResCode without, I submit, a proper consideration of the actual effect on the amenity of the surrounding properties and the fact that those houses which have been completed and are now occupied, have been designed and built based on
knowledge of what had already been approved around them. In this regard it is worth noting that by reason of Council’s hard fought imposition of strict building envelopes incorporating substantial frontage setbacks in the subdivision, the result has been to severely limit the private open space available to each parcel of land, particularly those facing Bolton St., with the result that the only private open space available to our family is at the rear of our property comprising a garden and pool area and an outdoor entertaining area. Therefore the planning officer’s recommendations have added yet further detriment to our property and insult to injury by enabling our private open space to be overlooked as well, in our case, allowing our living room to also be overlooked. The totally inequitable result of a grant of this application for amendment will be to impose on us an inability to have the unfettered enjoyment of any private outdoor areas at all without the possibility of being overlooked. Surely we have an entitlement to at least have one outdoor area within our property to which we may retire without having to keep checking there is no-one observing us. It is clear that this will also be the situation for each of the owners and occupiers of 25F Bolton St. and 11 Ruxton Rise.

By focusing, it would seem, only on the regulatory “9 metre arc” as being indicative of the reality of overlooking, without a full and proper consideration of the actual overlooking (clearly possible due to the advanced stage of construction), which will remain regardless of the imposition of conditions including the further setback of the deck and screening limited to 1700 mm and 25% transparency, the relevant officer has, I submit, “failed to see the wood for the trees”. This is further borne out in my case by the fact that I was given absolutely no notice of the proposal to incorporate a rooftop deck as an addition to the plans for 8 Ruxton Rise (nor for that matter those for 9 Ruxton Rise the subject of the current application), presumably because it was considered that “on paper” I was outside the notional 9 metre arc when it came to a consideration of overlooking of surrounding properties. This only goes to show that the consideration of such matters solely on planning grounds is an extremely narrow focused, blinkered and inappropriate response. If our neighbours at 8 Ruxton Rise have sufficient line of sight into our rear open space and pool area to acknowledge and wave to me from their rooftop deck (as they currently do) then we are being overlooked and have totally lost our privacy. That is in my view a real and proper test for overlooking over and above the applicable planning regulations and I invite a site visit to further demonstrate my (very real) concerns.

Further, when consideration is also given for the fact that in 2011-12, according to the Australian Health Survey published by the Australian Bureau of Statistics, “....the average Australian man (18 years and over) was 175.6 cms tall…[and]...[t]he average Australian woman was 161.8 cms tall…[and that] on average, Australians are growing taller…over time”, coupled with the fact that [from the same survey] between 1995 and the relevant period referred to “the average height for men increased by 0.8 cms and for women 0.4 cms…” by a simple extrapolation for a further 8 years to 2020, the recommendation for screening by Council’s officer is demonstrably inadequate in that those current average heights already, in part, exceed those of the recommended screening, rendering screening to that height largely ineffectual. Even if that were to be addressed further by
increasing the screen heights, such a condition will only serve to add further to the visual bulk of the building with the result that regardless of whether or not the deck is roofed it will give the appearance of a third storey contrary to current building height limits and at odds with the surrounding streetscapes, totally destroying our amenity and right to privacy.

I therefore urge Council to reject the proposed amendments seeking to retrospectively approve a rooftop deck in their entirety in order to not only protect the surrounding properties from overlooking but to also make a statement that such overdevelopment of what are, essentially, “undersized” blocks of less the 500 sq m. is totally inappropriate and will not be sanctioned.

Sincerely,

Matthew W Shaw,
4. Mr Gary Shrubsole (A)

Tuesday 11 August 2020 – 5 PM

9 Ruxton Rise, BEAUMARIS — Town Planning Application No. 5/2017/382/3

The proposal consists of a Double-Storey modern residence with a basement car park with car accommodation for two cars plus a Gymnasium. Four generous bedrooms and a Study, three bedrooms are located on the Ground Floor and the Master Bedroom is located on the First Floor. There are three Living Rooms, two on the Ground Floor with one overlooking the Swimming Pool. The Kitchen, third Living Room and Dining Room are all located on the First Floor. Our proposed amendment includes a Roof Deck that is accessed via a spiral staircase off the Dining Room.

The residence has been designed with textures and depth in mind, the Ground Floor is predominantly concrete walls with a rendered finish to help ground the building. The First Floor introduces the use of Timber Panelling to the North, East and West Elevations, a rendered finish has been carried to the First Floor on the South and West Elevations. Our proposed Roof Deck utilises a softer contrast to the Ground and First Floor materials by using an Enseam cladding in a dark grey colour that compliments the natural timber cladding of the First Floor.

Council RFI — 20/07/2020 and 28/07/2020

As part of these RFI’s from Bayside City Council we were requested to provide.

1. Roof deck height measured from Natural Ground Level, with total building height expressed in Australian Height Datum (AHD)
2. Area calculations for private open space, site coverage and percentage of impervious surfaces
3. Shadow Diagrams for 9 AM, 12 PM and 3 PM
4. Setback from all boundaries marked on the site plan
5. External wall heights and overall building heights measured from natural ground level for all walls on all elevations

Building Height

Our maximum building height as measured above the Natural Ground Level to the top of the 1.7 m high slat privacy screen of the proposed Roof Deck is 7.81 m which is under the maximum 8 m height as outlined in the Section 173 Agreement.

Shadow Diagrams

Our amended proposal adds additional shading.
- 3.69 sqm to Lot 8 and 0.22 sqm to Lot 16 at 9 AM
- 4.21 sqm to Lot 17 at 3 PM

Our amended proposal does not significantly overshadow the neighbouring properties.

We answered all RFI to the satisfaction of our assigned Planning Officer.

**Objections**

We have received three objections from #11 Ruxton Rise, #25D Bolton Street and #25F Bolton Street Beaumaris. The common concerns raised by the three objectors are to do with overlooking from the proposed Roof Deck.

We have overlaid overlooking arcs on our drawings and although the arcs do cross the boundary lines, we have employed the use of 25% Horizontal Slat Privacy Screens to the balcony on the East and West side. Except for #11 Ruxton Rise our 9 m overlooking arcs do not cross any windows, in this instance the 1.7 m high Horizontal Slat Privacy Screens (Max. 25% transparency) reduces overlooking into habitable windows on the Ground and First Floor Plans. The Roof Deck is positioned 6.91 m from the rear boundary as demonstrated on our West Elevation the 9 m Overlooking Arc intercepts the roof line of the First-Floor aiding to block overlooking into the rear neighbours’ properties.