

**PLANNING AND ENVIRONMENT LIST**

**FORM B – STATEMENT OF GROUNDS**

*To be completed by Referral Authorities and objectors*

To: The Principal Registrar  
Victorian Civil and Administrative Tribunal  
55 King Street  
MELBOURNE VIC 3000

<b>Subject Land</b>	6 Paine Street NEWPORT VIC 3015	<b>VCAT Reference:</b> P2101/2013
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*Please tick appropriate box*

- I intend to appear and present a submission at the hearing, if I am available on the allocated date.
- I am unable to attend the hearing, but wish my statement of grounds to be considered.

Estimate of time to present my case to VCAT, including any expert witnesses: \_\_\_\_ minutes.

Set out a concise summary of grounds; attach additional sheets as required.

Paine, Crawford and Latrobe Streets are wholly residential and include the family friendly Armstrong Reserve. The proposed development is in a residential street where the predominant residences are single and double fronted single storey dwellings. The majority of the dwellings are period homes in timber or brick. There are some contemporary homes but no development the size, or design, of the proposed development. The following points are in response to the application being **totally unacceptable design and size for this site and neighbourhood.**

**1. Community consultation**

During an extended period, the residents and the applicant engaged in a period of community consultation. After the applicant collated the responses from a number of residents five major concerns were highlighted – density, height, neighbourhood character, setbacks and parking and traffic. **Not one of the residents' major concerns has been reflected in the current plans.**

**2. Scale**

There is no 3 storey multi dwelling development in the surrounding neighbourhood. The proposed development would be a visual eyesore and would not only intrude upon the skyline for all adjacent houses but the residents of the proposed development would be overlooking the surrounding houses. The proposed development is inappropriate for the area. No thought or consideration of the existing

residents has been given to the proposed development which will overbear all of the neighbouring homes in the surrounding streets.

### 3. Neighbourhood Character and Heritage Overlay

The proposed development and precinct is subject to a Heritage Overlay. I do not believe that the proposed design complies with the Heritage Overlay.

Overall, the proposed three to four-storey scale of the development throughout the whole of the site does not respect the existing or preferred neighbourhood character which is defined by low scale single and double storey development.

The proposed development will have an adverse impact on the heritage values and neighbourhood character of the precinct due to it's;

- height and mass,
- materials, shapes, colour and bulkiness,
- complex roof forms,
- proximity to boundaries, continual built form covering nearly the entire site,
- and many other details of its design.

### 4. Non-Compliance

The Objections are maintained on the failure of the Application to comply with the following;

- a. **Heritage/Neighbourhood Character.**
- b. **Infill guidelines**
- c. **Future reformed residential zones.**
- d. **ResCode.**
- e. **Scale/Amenity** – park/community character/development.
- f. **Car parking** - Insufficient onsite and on-street parking.
- g. **Sustainability** - The proposed development does not meet best practice guidelines for sustainable development.

### 5. On the 5<sup>th</sup> September 2013, the Hobsons Bay Special Planning Committee refused to grant a planning permit; after a review of the planners report and submissions by objectors and the applicant; for the following reasons.

1. The proposal does not meet State Planning Policy, particularly the objectives and guidelines at Clause 15 (Built Environment and Heritage) of the Hobsons Bay Planning Scheme.
2. The proposal does not meet the Municipal Strategic Statement and Local Planning policy, particularly Council's objectives at Clause 21.02 (The Hobsons Bay Strategy), Clauses 21.06 (Built Environment & Heritage) and 21.07 (Housing) and Clause 22.10 (Neighbourhood Character) of the Hobsons Bay Planning Scheme as it negatively impacts on local neighbourhood character and the amenity of the surrounding residential areas.
3. The proposal does not satisfy the requirements of Clause 21.06-2 (Heritage) and Clause 22.01 (Heritage Policy) of the Hobsons Bay Planning Scheme because it is inappropriately designed and unrelated in terms of design, scale, form and materials to the historic context provided by the surrounding heritage places.
4. The bulk, form and appearance of the proposed building is inconsistent with the objectives and guidelines of Clause 43.01 (Heritage Overlay) of the Hobsons Bay Planning Scheme.
5. The proposed development does not meet the purpose of Clause 32.01 (Residential 1 Zone), as it

does not provide residential development that respects the neighbourhood character.

6. The bulk, form and appearance of the proposed development will have an adverse impact upon the significance of the prevailing heritage precinct covered by Heritage Overlay – HO27 in the Hobsons Bay Planning Scheme.

7. The proposal fails to comply with the following Standards of Clause 55 (ResCode) of the Hobsons Bay Planning Scheme:

- Standard B1 – Neighbourhood character
- Standard B5 – Integration with the street
- Standard B6 – Street setback
- Standard B7 – Building height
- Standard B8 – Site coverage
- Standard B9 – Permeability
- Standard B13 – Landscaping
- Standard B28 – Private open space
- Standard B31 – Design detail
- Standard B32 – Front fences

8. The proposal is excessive in height and creates unreasonable visual bulk.

9. The proposal is not responsive to the prevailing character of the neighbourhood.

I support all of Hobsons Bay Special Planning Committee reasons for refusal.

## **6. Traffic and Parking Congestion**

The proposed development does not provide adequate parking for the number of proposed residences. Whilst some on-site parking is provided, the balance of the cars is expected to park in the surrounding streets which are very narrow. When cars are parked on each side of the street the traffic can only flow through single file in one direction at a time. If cars are parked on both sides of the street, and up to the driveways of those residences with off-street parking, entry and exit into these driveways is almost impossible. Likewise, delivery trucks, garbage collection and the like will be impeded.

The increase in traffic from such a densely populated site will exacerbate current difficulties and delays residents face entering Melbourne Rd (from Yarra St, Bunbury St, Paine St, Wilkins St, North Rd) and exiting Williamstown and Newport.

## **7. Increased strain on local infrastructure and facilities.**

No consideration by either the Council or the applicant has been given to the considerable flow-on consequences of continual development approval in the area. The current infrastructure and facilities for the community cannot cope with the current population let alone an influx of residents in the proposed development and those other applications before Council.

No forward planning is in place in relation to road and rail requirements, parking in the shopping precincts, local schools, kindergartens, doctors, etc.

## **8. Park Amenity**

Users of the south side of Armstrong reserve (in particular of the children's playground) have their ability to quietly enjoy the park reduced with the knowledge the abutting apartments have a direct overhead and adjacent viewing platforms and windows. This places park users in a situation where people in close proximity can observe park users without the park users being aware. Obviously this makes for

uncomfortable use of the area for parents and children.

## 9. Widescale Impact

Due to the massive size of this development the detrimental impact to heritage value and existing neighbourhood character is felt not just in the streets immediately bordering this site, but for many blocks in all directions.

## 10. Planning reforms.

As announced by the Victorian Planning Minister recently, local governments are to be empowered to designate areas as “residential zones”. Paine Street and environs is ideally located to be a designated Neighbourhood Residential Zone and Council is urged to take this into consideration in rejecting the current application. The rollout of the new planning zones has already commenced. This will mean, amongst other requirements, that developments cannot exceed a height of 8 metres in a Neighbourhood Residential Zone.

As per the State Governments Advisory Note 50, NRZ can expect future housing of the for “Single dwellings and dual occupancies under some circumstances”. Not medium-high density multi-storey development exceeding height, mass, site coverage, standards of everything surrounding it.

Pending Council’s confirmed rezoning of this neighbour, it is anticipated this area will be zoned NRZ (Neighbourhood Residential Zone) as it fits the AN50 principals applying to NRZ zones:

- Areas with a neighbourhood character that is sought to be retained
- Areas where more than 80% of lots currently accommodate detached dwellings
- Areas with Neighbourhood Character Overlays
- Residential areas with Heritage Overlays (such as larger heritage precincts, rather than individually recognised heritage sites)
- Areas of identified environmental or landscape significance
- Areas which may not have good supporting transport infrastructure or other infrastructure, facilities and services and are not likely to be improved in the medium to longer term

## 11. Recommendation

It is possible that a development on this site can be designed and constructed to comply with Council’s Residential Design Policy for Multi Unit Development and above mentioned design and planning guidelines/requirements; such as:

- a. **Sensitive design response**, complementing the overall neighbourhood character and heritage value.
- b. A significant **set-back from the street** on all sides of the site, **no more than two storeys in height**. Being surrounded by predominately single storey streets, the second storey should be set back at least 5 metres behind the first storey to minimise visibility from the street.
- c. Off street parking meeting Council’s requirements of **two off-street car parks per 2 bedrooms**.
- d. **Reduction of number of dwellings**, therefore minimising the impact on local infrastructure and facilities.

THE FOLLOWING MUST BE COMPLETED:

I certify that I have served a copy of this Statement of Grounds:

*Please tick appropriate box*

- on 11<sup>th</sup> / Nov / 2013 the Applicant Best Hooper Solicitors
- on 11<sup>th</sup> / Nov / 2013 the Hobsons Bay City Council

Failure to serve a copy of your Statement of Grounds on BOTH the Responsible Authority and the Applicant may result in you being unable to be heard at the hearing or have your objections considered.

Name of objector or referral authority:

\_\_\_\_\_ *Please print clearly*

Address for service:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Address for service of documents must be in Victoria  
(Please see Rule 4.08, VCAT Rules 2008)*

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_  
*(B/H) (B/H)*

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Email address: \_\_\_\_\_

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