

# **WRITTEN STATEMENTS**

**8 February 2022**

**Planning and Amenity Delegated  
Committee Meeting**

**Item 4.1      2 Gillies Street, Hampton      (page 3)**

1. Mr Luke Galloway (A)

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1. Mrs Ann Beckingham (O)
2. Mr Frank Papa (O)
3. Mrs Maureen and Mr Johan Schuyt (O)
4. Mrs Nicole' Plotkin (O)
5. Mrs Maryann Cain (O)
6. Mr William Bradley (O)
7. Ms Fel Batten (O)
8. Mr David Marriott (S)
9. Miss Laura Hamer (on behalf of Telstra) (A)

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2. Mr Matt Harris & Mr James Henry (on behalf of Housing Choices Australia) (A)

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1. Ms Melanie Ellis (for Change of Plan Town Planning) (A)

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1. Ms Mietta Gleeson (for Urbis) (A)

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1. Mr Matthew and Mrs Julie Clark (O)
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1. Mrs Jane Smitten (A)

*Definitions*

*A= Applicant*

*S= Supporter*

*O= Objector*

**Item 4.1**

**2 Gillies Street, Hampton**

## 1. Mr Luke Galloway (A)

### **Appeal to Bayside Council regarding refusal to grant a permit for tree removal at 2 Gillies st Hampton.**

I would like to formally request that Council allow me to remove the current Manna Gum tree which is my front garden at 2 Gillies st. Hampton.

- **The tree is 3 metres from the front edge of my family home.** If it was 2 metres away – it would be allowed to be removed.
- I have lived here for 5 years. **In March 2019 and April 2020 – 2 very large limbs fell on the front part of the house** – 1x damaging 20 tiles and some minor roof framing and the other significant damage to the front guttering, tiles and electrical gable adjoining the property. See photos below.
- **My 4 year old son and 2 year old son sleep underneath this gum tree's very large structures every night for 12 hours.**
- **On several nights I have set-up a makeshift bed, or ask my older boy Ned to sleep in the Bed with us, given significant concerns on limb failure - we can't live like this.**
- Previous pruning has left this **tree spare and exposed** (see arborist report). The tree is a very large Manna Gum – **inappropriate** for Sandy bayside soils.
- Contrary to Councils response to me on 15<sup>th</sup> of September – independent Arborist report has NOT recommended the tree risk is currently ALARP (“as low as reasonably practicable”) tolerable risk. The report has also highlighted the limitations of current QTRA assessment criteria and immediate, catastrophic risk it presents to my 2 young boys, **under the extreme consequences of a Sudden Limb Failure (SLF) event.**

**Indeed, the Arborist report suggests this meets ALL criteria of an extreme consequence of such SLF event. (read below excerpts).**

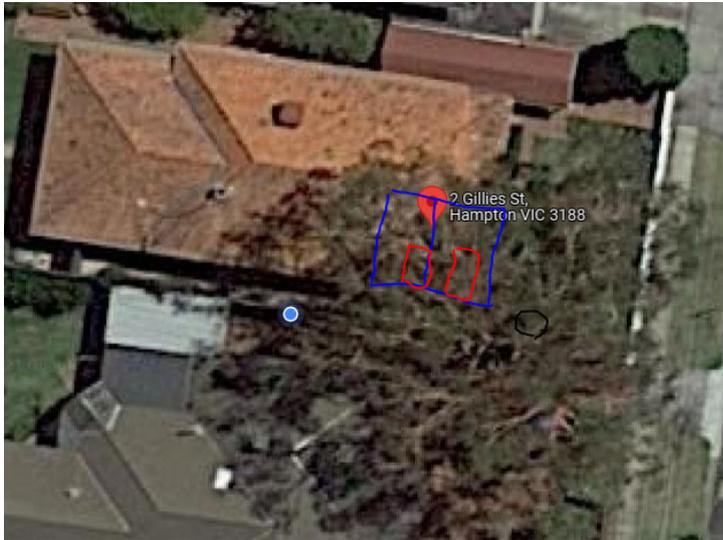
**BOTTOM LINE: is that this isn't a 1-in-30,000 event the QTRA assessment estimates. Our family has lived through 2x of these events in the past 5 years.**

### **IMPACT ON BAYSIDE COUNCIL & SURROUNDING RESIDENTS AND MY PROPOSAL:**

- I am proposing to Bayside Council to:
  - o pay for all tree removal costs
  - o **have it in writing that I replace this tree with 3-4 appropriately sized native trees – recommended by Bayside Council** – which are of substantial existing size and will add much needed canopy cover

**Google Image of my 2 young son's bedrooms – where they sleep for 12 hours a day.**

Outline of my 2 young boys bedrooms in relation to the tree in blue – highlighting extreme consequences of an SLF event occuring.



Tree Falls in 2019 and 2020. These events 'happen' – they are not a 1-in-30,000 event we've lived them.





## TREE PLANTING PROPOSAL

Current

Proposed



**I propose the planting of 2-4 large appropriately sized Native trees to restore tree canopy quickly – and seek advice from Council on making this 'binding'**

## **EXCERPTS FROM ARBORIST REPORT**

*(excerpt from Arborist report)*

### **6 Discussion**

Many large Eucalypts have the ability to optimise their canopies by shedding branches. This process is sometimes referred to as SLF (Sudden Limb Failure). SLF is, as its name would suggest, an unpredictable event. Some of the common denominators in Eucalypts which experience this phenomenon are:

- Trees planted outside their natural range.
- Trees with significant hard landscaping within root zones.
- Trees which experience significant soil compaction.

The consequences of SLF vary greatly and are most influenced by:

- Size of limb lost.
  - Potential targets in fall zone.
  - Cumulative time vehicles are under the canopy.
  - Cumulative time pedestrians are under the canopy.
- 
- Cumulative time pedestrians are under the canopy.

The subject tree is native to Victoria but is not endemic to the Bayside region (Euclid, 2021). It is taller than most surrounding trees and is exposed to wind from all directions. The foliage is acting as a sail placing a substantial load upon vulnerable unions resulting limb failures directly onto the dwelling and garden areas. The recent loss of major limbs is likely to place further stress on limbs which were formerly protected and are now exposed to stress not previously experienced.

**The Arborist report also highlights the tree meets most of the criteria for potential 'significant limb failure'**

### **7 Conclusion**

The subject tree meets most of the criteria for potential SLF in that it is:

- Planted outside its natural range.
- Has significant hard landscaping (dwelling and development) within root zones.

The subject tree meets all the criteria for extreme consequences of SLF including:

- Size of limb lost.
- Potential targets in fall zone.
- Cumulative time vehicles are under the canopy.
- Cumulative time pedestrians are under the canopy.

The frequency of tree related deaths has risen sharply in Victoria over the last three (3) years leading to understandable concern amongst homeowners as to the risk of hazard associated with trees previously considered safe. The author is unaware of any system of risk assessment which has properly and thoroughly considered these changes in fatal accidents and how that might be applied to better anticipate future events.

## The Arborist recommends the tree to be removed

### 8 Recommendations

Due to the size of the potential failure, the proximity and value of potential targets and the likely consequences of hazard it is recommended that this tree be removed.

In the event removal is prohibited by the responsible authority then risk management strategies such as pruning of high-risk limbs to AS4373-2007 and cabling of major scaffold limbs is recommended.

**Item 4.2**

**230 Dendy Street, Brighton East**

## 1. Mrs Ann Beckingham (O)

### My Objection

I have previously objected to the granting of this permit to Telstra and lodged that objection in writing.

### Conflict of interest concerns

I have also expressed concerns about the independence of any cooperation and approval of the proposal that may have been extended by LMS (the operator currently managing the golf course) because of conflict of interests concerns due to money being received if the development goes ahead.

I confirm my objection and repeat my concerns.

I have now had the opportunity to read the relevant material attached to the Agenda for the meeting and make further objections as follows.

## ADDRESSING THE MATERIAL ATTACHED TO THE AGENDA FOR THE MEETING.

### 1.1 The tower is dominating and will disrupt view lines and will unreasonably impact character and amenity.

Paragraph 6.1 of the Council report states at Page 30 of the Agenda materials

*The proposal is to construct a 37m high monopole with associated equipment cabinets ...  
It will not unreasonably dominate the streetscape or disrupt view lines .....  
not considered to present any unreasonable character or amenity impacts.*

It is clear from the photos provided in the Agenda material that the impact is unreasonable.

(Example photograph from page 46 of Agenda material)



1.2 **The tower is not low impact.**

The Executive summary of the Telstra Planning Report itself recognises that the proposal is NOT low impact

See page 55 of the Agenda materials

*The proposal is not deemed “low impact” under the Commonwealth Legislation.*

*And again, at page 66 .....new mobile telecommunications towers are not low-impact facilities.*

This is why (together with the fact that there are buildings being constructed as part of the proposal) it needs to be granted a permit by Bayside council.

The proposal should not be portrayed as without major impact.

1.3 **The tower is contrary to the Bayside vision and its desire to reduce significant detrimental visual impact of communications facilities in natural space which it values**

Section 4.2 of the Telstra Planning report (page 68 of the Agenda materials) sets out the vision for Bayside in its Municipal strategy which includes the following statement

*Bayside will be an environmentally focussed city in which its natural resources are valued ...*

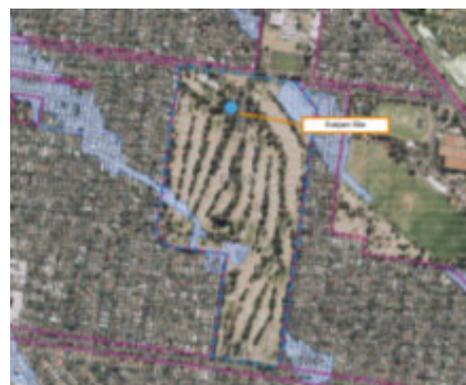
At page 68 of the Agenda materials, the local telecommunications policy states

*Above ground telecommunications ..... have significant detrimental visual impact, particularly along the foreshore. Council seeks to: Reduce the impact of communications and electrical service on the streetscape and the foreshore.*

The large green space constituted by and used as the Brighton Golf Course and the nearby Dendy Park constitutes a very rare and precious green landscape wedge of environmental significance that is in the same category and should be protected and valued as the foreshore is.

The entrance to that area at 230 Dendy Street should not be dominated by an overbearing massive telecommunications facility totally out of character with the greenspace.

It is totally contrary to the Bayside vision, and it will be a visually dominant structure, visible above the tree line in this setting.



For the myriad of walkers and visitors to the area, contrary to the Telstra planning report at page 76 of the Agenda materials, the appearance of the tower will NOT

*be fleeting or mitigated by mature vegetation*

## **WHY NOT UPGRADE THIS AREA AND LANDSCAPE IT INSTEAD?**

- 2.1 The area identified for the construction of the buildings and tower is *within an area currently utilised for storing green refuse (previously cleared) .....*

Rather than further degrade the site further, why not upgrade and landscape it? Similarly with the entrance to the golf course off Dendy Street. Landscape the area and upgrade it. Perhaps even have a small children's park which would complement the toy library.

Make this area consistent with the Bayside vision of a valued and environmentally fabulous part of Bayside that we can all be proud of.

ANN BECKINGHAM

## **2. Mr Frank Papa (O)**

The community report on the development does not include a noise / acoustic study. The industrial cooling equipment used to cool the high power transmitters can be very loud and detrimental to both residents and local wildlife.

### **3. Mrs Maureen and Mr Johan Schuyt (O)**

Dear Planning and Amenity Delegated Committee,

RE: Telstra Application for the development for a proposed telecommunications facility at 230 Dendy St, BRIGHTON EAST | Reference Number S/2021/380/1

REQUEST TO BE HEARD VIA WRITTEN STATEMENT  
8 February 2022 Planning and Amenity Delegated Committee Meeting

We write to express our concerns regarding the 37.9m Telstra Tower, proposed for Brighton Golf Course, 230 Dendy Street, Brighton East.

We live on the corner of Dendy and Comer Streets and our living room looks directly at where this massive tower will be placed. We strongly object to this tower as it will destroy our view and will ruin the natural beauty of the golf course.

We attended the recent consultation / information meeting where Telstra presented more details of telecommunications facility. Whilst I understand the issues we have with connectivity in the area, it seems that Telstra are presenting this as the only option. I find this very hard to understand. Are there not other options, such as a few smaller and less obtrusive towers? I think that the proposal is the “quick and easy” solution for them, and one piece of infrastructure would be a more cost effective option for them. I implore the council to advise Telstra to go back to the drawing board and come up with other options which are more acceptable to our community. I am sure there would be other solutions that are less intrusive, as this would not be the first time that Telstra has encountered so many community objections.

My previous feedback, which you have no doubt received from others, remains unchanged. The proposed telecommunications development is:

1. Inconsistent with the zoning of the relevant site which is Public Park and Recreation and should be preserved for use as such
2. Inconsistent and disrespectful of the zoning of the relevant site as an Aboriginal Cultural Heritage Sensitivity area.
3. Conflicts with the character and amenity of the area - which is an open, green space with protected flora and fauna.
4. Inappropriate in scale, which is massive and overbearing. The proposed tower is 37.9 metres and would visually dominate the area and our home; looming above the existing vegetation (shown on the plan to be about 25 metres) by a further 12.9 metres.
5. Will detract and have a negative impact on the natural beauty and character of the area.
6. Does not integrate with the natural ambiance and features of the area
7. Is proposed to be in a fenced off area on a large concrete slab, cleared of all vegetation
8. Will have a deleterious effect on amenity, negatively impacting refuge for flora and

fauna

We thank-you in advance for considering our objections.

Kindest regards,

Maureen (and Johan) Schuyt

**4. Mrs Nicole' Plotkin (O)**

I object to the the following application due to impact on environment and aesthetics -  
MATTERS OF DECISION | 4.2 230 DENDY STREET, BRIGHTON EAST NOTICE OF  
DECISION TO GRANT A PERMIT APPLICATION: 2021/380/1 WARD: CASTLEFIELD  
City Planning and Amenity - Development Services File No: PSF/22/36 – Doc No:  
DOC/22/9718  
Application | 2021/380/1 230 Dendy Street, Brighton East | BRIGHTON PUBLIC GOLF  
COURSE | Castlefield Ward  
Applicant | TELSTRA

## 5. Mrs Maryann Cain (O)

### I OBJECT TO THE APPROVAL OF THE TELSTRA PERMIT APPLICATION FOR THE FOLLOWING REASONS:

1. **Precedence** In 2005 a Telstra Application to put a Telecommunications Tower on the Brighton Golf Course was denied. Community objections and Council Policies today are as relevant as they were in 2005 when the first Application was rejected.
2. **Contravenes Council Vision & Planning Scheme Policies**
3. **Contravenes Council Green Space Policy and Telecommunications Profit-Sharing Policy** which specifically states it *'will not share the rental income from a Telecommunications provider with an individual club or organisation'*
4. **Lack of Due Diligence** Council has not adequately assessed how the proposed facility will dominate the local landscape and viewscape or diminish perception of the value of the Bayside brand, diminishing property values and income from rates and thereby negating any perceived financial benefit from rental income from Telstra. Nor has it considered the **mental health and well-being of the residents in Comer St homes less than 120m from the proposed pole and Dendy St homes less than 200m** from the proposed installation
5. **Lack Of Procedural Fairness, Transparency and Community Consultation** Community consultation obligations have not been met and the **Planning & Amenity Committee are not invested in finding alternative locations** because they are not at risk of losing voter / community support as the proposed location is not in any of their Wards
6. **129 Objectors** indicates the community does not support the application and I call the validity of the (2) supporters of the Application have been called into question
7. **Conflict of interest** Decisions are being made on the recommendation of entities (LMS) where there is an **obvious commercial conflict of interest**
8. **The proposed 'high impact' development is inconsistent with Ministerial Guidelines pertaining to the development of golf courses** designed to protect the interests of the community, its environment and cultural heritage and the **Strategic response of Bayside Council has not been within The Planning Policy Framework (PPF) objectives for land use and development in Victoria for the redevelopment of golf course land** | (i) has not delivered on the objectives or addressed relevant matters; (ii) their strategic response has not adequately addressed the recommendations of reports which identify the **environmental, ecological, landscape, viewshed** (the natural environment that is visible from one or more viewing points) or **historical and cultural values and features of the site** (iii) does not comply with the Design and Development Overlay (DDO2)

#### **OBJECTION 1. PRECEDENCE**

***Council PREVIOUSLY REFUSED an application for a Telstra Telecommunications pole on the Brighton Golf Course in 2005 citing the same objections raised during the current application and under the same Council planning schemes.***

**Description:** Telecommunications Facility

**Date Lodged:** 19/12/2003

**Status:** Permit Refused - Council

**Date Determined:** 23/03/2005

**Application Detail:** [5.2003.971.1](#)

Oct 28, 2021,  
1:48 PM

Fiona Farrand <ffarrand@bayside.vic.gov.au>

Hi Maryann

We've now been able to recall the file and find out what **the grounds of refusal for the old telecoms application were.**

The grounds were as follows:

- The proposed telecommunication facility is inappropriate in a recreational and residential environment.
- The proposal will have a detrimental impact on the amenity of nearby residential properties.
- The proposal is inconsistent with the intent and objectives of the Bayside Planning Scheme.
- The proposal is highly undesirable and alternate sites and other forms of technology such as a low impact street cells should be utilised.

## **OBJECTION 2 | THE DEVELOPMENT GOES AGAINST BAYSIDE VISION & PLANNING SCHEME POLICIES**

### **02.02 18/06/2021 C180bays VISION**

***“Bayside will be a city which protects and enhances the quality and character of the natural and built environment through environmentally sustainable development and management of land.”***

### **02.03-2 18/06/2021 C180bays Environmental and landscape values**

***Biodiversity .... golf courses*** which cover 175 hectares and the foreshore. In addition to their environmental values as an important flora and fauna habitat and wildlife corridor, ***these areas contribute to the character of Bayside*** and are important recreational and educational resources.

***Council seeks to: ..... Protect the natural biodiversity of Conservation Reserves by ensuring that the primary purpose of the reserve is maintained.***

### **02.03-4 18/06/2021 C180bays Built environment and heritage**

***Urban and building design*** ..... extensive tracts of land covered by ***golf courses*** are also major contributors to the valued character and amenity of the municipality.

***Council seeks to: .... Preserve the visual amenity and landscape values afforded by the golf courses.***

***Heritage*** Bayside has a rich and varied heritage, starting with the ***Bunurong Aboriginals*** and later European settlement through to the twenty first century. Bayside’s post-contact heritage reflects progressive phases of development from the time of ***Henry Dendy’s Special Survey in the 1840s*** ***Council seeks to: Protect and maintain the integrity of heritage places in accordance with the accepted conservation standards of the ICOMOS Burra Charter ...***

### **02.03-8 18/06/2021 C180bays Infrastructure Health facilities**

***Open space*** Bayside’s open spaces are a significant resource for the local and regional community. However, a substantial area of Bayside’s open space has restricted public access or ***restrictions on use due to occupancy by golf courses***, significant vegetation and steep terrain along the foreshore.

***Council seeks to: Develop an open space network that .... provides adequate flora and fauna habitat and enhances the landscape and natural heritage values of the environment. Preserve and protect open space to support the economic and environmental viability of the municipality.***

### **02.03-8 18/06/2021 C180bays Infrastructure Health facilities**

#### **Telecommunications**

***Above ground telecommunication and service cables*** have a significant detrimental visual impact, particularly along the foreshore.

***Council seeks to: Reduce the impact of telecommunications and electrical services on the streetscape and the foreshore.***

**The green space** used as the Brighton Golf Course and the nearby Dendy Park constitutes a very rare and precious green landscape wedge of environmental significance that is in the same category and ***should be protected and valued as the foreshore.***

The entrance to that area at 230 ***Dendy Street*** ***should not be dominated*** by an overbearing massive telecommunications facility totally ***out of character with the greenspace.*** The proposed Telecommunications Facility is a structure that is totally contrary to the Bayside vision, and it ***will be a visually dominant structure, visible above the tree line in this setting.*** For the walkers, pedestrians, homeowners and their visitors as well as golf-players and tourists to the area, contrary to the Telstra planning report at page 76 of the Agenda materials, the appearance of the ***tower will NOT “be fleeting or mitigated by mature vegetation”.***

#### **The proposed development will:**

- **Be detrimental** to the quality and character of the natural environment
- **Compromise** the natural biodiversity of the golf course reserve
- **Detract** from the visual amenity and landscape values of the golf course
- **Threaten** the integrity of heritage places in accordance with the accepted conservation standards of the ICOMOS Burra Charter
- **Diminish** and compromise the natural habitat of flora and fauna, particularly the Tawny Frogmouth Owl and its only Echidna
- **Reduce** public recreation space as well as potentially reduce the viability of Bayside’s planned health amenity if the proposal for a ‘warm pool’ is approved.
- Have a **negative impact** on the streetscape character and viewscape

### **OBJECTION 3. VIOLATION OF COUNCIL TELECOMMUNICATIONS POLICY**

Council policy specifically states **it will not share the rental income from a Telecommunications provider with an individual club or organisation.**

Council has indicated that LMS will receive a financial benefit (50/50 profit share) from the Telstra rental income **Nor can the tenant negotiate with the telecommunications provider** yet Council has encouraged this to happen.

#### **6.5.6 Telecommunication Rental Policy**

*Council will retain the entire rental payable under a lease by a telecommunication provider (or similar service provider) for use of Council owned or controlled land or building and will use that rent for the benefit of the whole community. This rental will not be shared with individual clubs or organisations that use part of the land upon which the telecommunication lease is situated.*

**Individual clubs, organisations and tenants must not negotiate directly with any telecommunication provider (or similar service provider) in relation to the use of Council owned or controlled land or building.**

*Lease and Licence Policy 2018*

*Director Corporate Services Bayside City Council*

*19 June 2018 / Item 10.7 2023*

*DOC/18/69546*

### **OBJECTION 4. LACK OF DUE DILIGENCE**

Council has not adequately assessed how the proposed facility will dominate the local landscape and viewscape, **diminish the Bayside brand and perception of value, diminishing property values and income from rates, thereby negating any perceived financial benefit from rental income**

### **OBJECTION 5. LACK OF PROCEDURAL CONSULTATION AND FAIRNESS**

**5.1. LACK OF COMMUNITY CONSULTATION** Despite **Alex del Porto** assuring me (sic) the matter would not be tabled at Council meeting until late January or early February and that there would be several opportunities for community consultation prior to a decision being made, only one short and vastly inadequate opportunity was granted.

**Objectors were not given sufficient time to have their questions and concern addressed at the one and only Telstra Tower Objection Consultation Meeting: 9 December 2021 | 4:00pm – 5:00pm**

At the consultation meeting, **Tom C (Planning)** mentioned that Telstra may be doing some amendments, and that there would be another meeting in early February. That has not happened and objectors have been denied due process.

### **5. LACK OF PROCEDURAL FAIRNESS** Inaccurate and misleading **AGENDA** information presented to **Bayside ratepayers and objectors to the Telstra Application highlighting the**

- Lack of accuracy (intentionally or unintentionally) by the Council Property Development Department in the preparation of the supporting Agenda information
- Lack of 'due diligence' (intentionally or unintentionally) by the Bayside Planning Department in its failure to recognise the development as HIGH IMPACT (or Telstra wouldn't need a permit) and to protect Bayside's liveability, environmental and biodiverse values and cultural and heritage values
- Lack of appropriate community consultation to address community concerns raised by objectors
- Council has ignored its own Council Policies relating to commercial deals with the Golf Course lessee.

### **PLANNING & AMENITY AGENDA Tuesday 8 February, 2022 - Incomplete, inaccurate, misleading or false AGENDA information**

- **Historical significance omitted.** The title of 230 Dendy St Brighton East was presented to the community by Henry Dendy for community recreational use. It is deemed Crown land and Bayside Council is the custodian and responsible for the management of the Brighton Golf Course.
- Bayside Council is **NOT** joint manager of Brighton Golf Course with the Brighton Golf Club. **Council is joint manager of Brighton Golf Course with Leisure Management Services (LMS)**
- **A CHMP is required when a 'high impact activity' such as a Telecommunications Facility is planned in an area of 'cultural heritage sensitivity'.** These terms are defined in the Aboriginal Heritage Regulations 2018. In these circumstances, planning permits, licences and work authorities can't be

issued unless a CHMP has been approved for the activity. The site is located within an area of cultural heritage sensitivity and the works should trigger a CHMP to be prepared as the development will have a HIGH IMPACT on the area

- Comments from LMS **not Brighton Golf Club** were sought.
- LMS comments have been sought however as **LMS are receiving a commercial benefit from the development, they should be disregarded**

## **OBJECTION 6.**

### **6.1 - 129 OBJECTORS CONFIRMED – NO WITHDRAWALS**

The Community does not want a Telecommunications Facility on the site of Brighton Golf Course. It is concerning that ***the Planning & Amenity Committee are not invested in finding alternative locations where they might be at risk of losing voter / community support because the proposed location is not in any of their Wards***

### **OBJECTION 6.2 | LETTERS OF SUPPORT QUESTIONABLE**

Bayside Planning and Development departments have demonstrated they cannot distinguish between LMS (Golf Course Managers) and The Brighton Golf Club (a private club located in Glencairn Ave)

4 February 2022, I contacted the Council Planning Department by phone **to alert them to the Agenda error naming Brighton Golf Club as a supporter of the Telstra application** instead of correctly identifying Leisure Management Services as the Golf Course managers.

Council Planning got back to me the same day and advised in the course of the conversation (sic) **that having spoken to the Council Property Development Department, they understood the Brighton Golf Club were the ones who actually suggested the proposed location as the most suitable on the course. Therefore, they are deemed supportive of the application in doing so.** Bayside Development advised they interpreted LMS selection of the site as an indication of support. **Does this mean that Planning have erroneously registered a comment regarding the pole location as a registration of support?**

Objectors have not been told on what basis (WHY) the proposed development is being supported. Commercial interest? Trying to curry favour with Council for when their own development permit application is submitted? Maybe. It's not been disclosed.

#### **Fact | Brighton Golf Club do not support the Telstra Application**

Furthermore, I was told that The Brighton Golf Club had indicated their preference for the Telstra Pole site which planning took as support for the Application.

**Misleading the community |** This miscommunication intentionally or unintentionally misleading the 129 objectors who no doubt read this agenda available on the council website and it was reinforced in two subsequent amendment emails.

**Brighton Golf Club is one of six (6) offsite local Golf Clubs that use the Brighton Golf Course including Nepean Women's Golf Club, Moorabbin Golf Club, Dendy Ladies, Elsternwick Park Women's Golf Club and Wyuna Women's Golf Club**

## **OBJECTION 7. CONFLICT OF INTEREST**

**7.1 LEISURE MANAGEMENT SERVICES COMMENTS SUPPORT THE TELSTRA APPLICATION** because (a) Telstra negotiated a commercial consideration with LMS to gain access to the proposed site and (b) Council agreed to a 50/50 profit share of the Telstra rental income with LMS if the Application was approved. Therefore, the PPRZ should not consider LMS comments

### **7.2 | ALTERNATIVE SITE LOCATION RECOMMENDATIONS**

**Higher more effective elevation has not been explored INDEPENDANTLY and WITHOUT PREJUDICE.** More suitable, alternative unused green wedges of land on the elevated side of Dendy Park along the Highway will be less detrimental to the character and landscape of the residential streetscape of Dendy St where it would dominate the viewscape from many directions. The site was selected from a range of sites on the Golf Course with recommendations from someone with a commercial interest (LMS) in having it on the golf course.

### **7.3 | MISLEADING INFORMATION TO THE COMMUNITY**

Agenda PAGE 30 / 956 POINT 6.1 **Brighton Golf Club does not support the Telstra Application**; in fact it vehemently opposes the Telstra Application. The reference to Brighton Golf Club suggesting the specific site is incorrect and BGC have never been asked to comment on this application. **It reinforces the point that Bayside**

**Council seem unable to differentiate between the Brighton Golf Club and the Golf Course Management, LMS.**

**OBJECTION 8. | BAYSIDE COUNCIL HAS NOT BEEN WITHIN THE PLANNING POLICY FRAMEWORK (PPF) OBJECTIVES FOR LAND USE AND DEVELOPMENT IN VICTORIA FOR THE REDEVELOPMENT OF GOLF COURSE LAND.**

**The proposed tower development is not low impact.** The Executive Summary of the **Telstra Planning Report** itself recognises that the proposal is **NOT low impact**. *The proposal should not be portrayed as without major impact.*

*The proposal is not deemed “low impact” under the Commonwealth Legislation.*

*And again, at page 66 .....new mobile telecommunications towers are not low-impact facilities.*

Council has not delivered on the objectives or addressed relevant matters and erroneously presented the development as low impact.

**Planning’s strategic response is required to address the ‘high impact’ on environmental, ecological, arboricultural, landscape viewshed** - the natural environment visible from one or more viewing points archaeological, **historical and cultural values and features of the site**

## 6. Mr William Bradley (O)

### I OBJECT TO THE APPROVAL OF THE TELSTRA PERMIT APPLICATION

I am a resident at No 69 Glencairn Ave Brighton East and was involved in the community group who opposed the previous Telstra planning application for a tower in the golf course in 2005.

The council of the day respected the use of the land donated by Henry Dendy for community use in deciding a telecommunications tower would be totally inappropriate, and they voted to reject the application.

The current council should follow the precedent of that council and all others before and retain the very precious gift of this large tract of green open space in the heart of bayside for the community. To allow a communications tower on the Golf Course, would be detrimental to a very iconic Bayside location.

Over the years the land has hosted multiple community groups.

Apart from the golf course, there are and have been among many others, a youth group, a council community meals service, a boating club, a men's shed, and a Children's Toy Library.

All providing wonderful services for the Bayside community.

It seems the science behind the location chosen by Telstra is very questionable. It reportedly asked the Brighton Golf Club or Leisure Management Services (there seems to be some confusion in the planning appraisal process about which is which) where a suitable location would be, and the Telstra representatives at the community meeting couldn't answer the question when asked where other towers in the area were.

The current North/West proposed location adjacent to the car park, is diagonally opposite to the previous application which was in the South/East of the golf course. Is the position of the site so flexible that a dart board could be used to select its location on a square kilometre of land???

If so, Telstra should enlarge their dartboard to include commercial or highway zoning, not residential and sensitive recreational zones.

And is it even necessary given the communications carriers have managed to do very well for the past 16 years without a tower in the golf course, after the first proposal was rejected in 2005???

It would seem this is more a profit-based proposal, as if approved and built, Telstra can sub lease to the other major carriers Optus and Vodafone, to hang as many antennae on the tower as will fit.

Please retain this green open space for community use and keep profit motivated multinational companies, brick/concrete bunkers, and overbearing steel and concrete towers with multiple arrays of antennae out.

Thank you,

Bill Bradley

## 7. Ms Fel Batten (O)

### I OBJECT TO THE APPROVAL OF THE TELSTRA PERMIT APPLICATION FOR THE FOLLOWING REASONS:

9. **Precedence** In 2005 a Telstra Application to put a Telecommunications Tower on the Brighton Golf Course was denied. Community objections and Council Policies today are as relevant as they were in 2005 when the first Application was rejected.
10. **Contravenes Council Vision & Planning Scheme Policies**
11. **Contravenes Council Green Space Policy and Telecommunications Profit-Sharing Policy** which specifically states it *'will not share the rental income from a Telecommunications provider with an individual club or organisation'*
12. **Lack of Due Diligence** Council has not adequately assessed how the proposed facility will dominate the local landscape and view
13. **Lack Of Procedural Fairness, Transparency and Community Consultation** Community consultation obligations have not been met and the **Planning & Amenity Committee are not invested in finding alternative locations** because they are not at risk of losing voter / community support as the proposed location is not in any of their Wards
14. **129 Objectors** indicates the community does not support the application and I call the validity of the (2) supporters of the Application have been called into question
15. **Conflict of interest** Decisions are being made on the recommendation of entities (LMS) where there is an **obvious commercial conflict of interest**
16. **The proposed 'high impact' development is inconsistent with Ministerial Guidelines pertaining to the development of golf courses** designed to protect the interests of the community, its environment and cultural heritage and the **Strategic response of Bayside Council has not been within The Planning Policy Framework (PPF) objectives for land use and development in Victoria for the redevelopment of golf course land | (i) has not delivered on the objectives or addressed relevant matters; (ii) their strategic response has not adequately addressed the recommendations of reports which identify the environmental, ecological, landscape, viewshed (the natural environment that is visible from one or more viewing points) or historical and cultural values and features of the site (iii) does not comply with the Design and Development Overlay (DDO2)**

#### **OBJECTION 1. PRECEDENCE**

***Council PREVIOUSLY REFUSED an application for a Telstra Telecommunications pole on the Brighton Golf Course in 2005 citing the same objections raised during the current application and under the same Council planning schemes.***

**Description: Telecommunications Facility**

**Date Lodged: 19/12/2003**

**Status: Permit Refused - Council**

**Date Determined: 23/03/2005**

**Application Detail: [5.2003.971.1](#)**

We've now been able to recall the file and find out what **the grounds of refusal for the old telecoms application were.**

The grounds were as follows:

- **The proposed telecommunication facility is inappropriate in a recreational and residential environment.**
- **The proposal will have a detrimental impact on the amenity of nearby residential properties.**
- **The proposal is inconsistent with the intent and objectives of the Bayside Planning Scheme.**

- The proposal is highly undesirable and alternate sites and other forms of technology such as a low impact street cells should be utilised.

## **OBJECTION 2 | THE DEVELOPMENT GOES AGAINST BAYSIDE VISION & PLANNING SCHEME POLICIES**

### **02.02 18/06/2021 C180bays VISION**

***“Bayside will be a city which protects and enhances the quality and character of the natural and built environment through environmentally sustainable development and management of land.”***

### **02.03-2 18/06/2021 C180bays Environmental and landscape values**

***Biodiversity .... golf courses which cover 175 hectares and the foreshore. In addition to their environmental values as an important flora and fauna habitat and wildlife corridor, these areas contribute to the character of Bayside and are important recreational and educational resources.***

***Council seeks to: ..... Protect the natural biodiversity of Conservation Reserves by ensuring that the primary purpose of the reserve is maintained.***

### **02.03-4 18/06/2021 C180bays Built environment and heritage**

***Urban and building design ..... extensive tracts of land covered by golf courses are also major contributors to the valued character and amenity of the municipality.***

***Council seeks to: .... Preserve the visual amenity and landscape values afforded by the golf courses.***

***Heritage Bayside has a rich and varied heritage, starting with the Bunurong Aboriginals and later European settlement through to the twenty first century. Bayside’s post-contact heritage reflects progressive phases of development from the time of Henry Dendy’s Special Survey in the 1840s***

***Council seeks to: Protect and maintain the integrity of heritage places in accordance with the accepted conservation standards of the ICOMOS Burra Charter ...***

### **02.03-8 18/06/2021 C180bays Infrastructure Health facilities**

***Open space*** Bayside’s open spaces are a significant resource for the local and regional community. However, a substantial area of Bayside’s open space has restricted public access or **restrictions on use due to occupancy by golf courses**, significant vegetation and steep terrain along the foreshore.

***Council seeks to: Develop an open space network that .... provides adequate flora and fauna habitat and enhances the landscape and natural heritage values of the environment. Preserve and protect open space to support the economic and environmental viability of the municipality.***

### **02.03-8 18/06/2021 C180bays Infrastructure Health facilities**

#### **Telecommunications**

***Above ground telecommunication and service cables have a significant detrimental visual impact, particularly along the foreshore.***

***Council seeks to: Reduce the impact of telecommunications and electrical services on the streetscape and the foreshore.***

**The green space** used as the Brighton Golf Course and the nearby Dendy Park constitutes a very rare and precious green landscape wedge of environmental significance that is in the same category and **should be protected and valued as the foreshore.**

The entrance to that area t 230 **Dendy Street should not be dominated** by an overbearing massive telecommunications facility totally **out of character with the greenspace.**The proposed Telecommunications Facility is a structure that is totally contrary to the Bayside vision, and it **will be a visually dominant structure, visible above the tree line in this setting.** For the walkers, pedestrians, homeowners and their visitors as well as golf-players and tourists to the area, contrary to the Telstra planning report at page 76 of the Agenda materials, the appearance of the tower will **NOT “be fleeting or mitigated by mature vegetation”.**

**The proposed development will:**

- **Be detrimental** to the quality and character of the natural environment
- **Compromise** the natural biodiversity of the golf course reserve
- **Detract** from the visual amenity and landscape values of the golf course
- **Threaten** the integrity of heritage places in accordance with the accepted conservation standards of the ICOMOS Burra Charter
- **Diminish** and compromise the natural habitat of flora and fauna, particularly the Tawny Frogmouth Owl and its only Echidna
- **Reduce** public recreation space as well as potentially reduce the viability of Bayside's planned health amenity if the proposal for a 'warm pool' is approved.
- Have a **negative impact** on the streetscape character and viewscape

**OBJECTION 3. VIOLATION OF COUNCIL TELECOMMUNICATIONS POLICY**

Council policy specifically states ***it will not share the rental income from a Telecommunications provider with an individual club or organisation.***

Council has indicated that LMS will receive a financial benefit (50/50 profit share) from the Telstra rental income ***Nor can the tenant negotiate with the telecommunications provider*** yet Council has encouraged this to happen.

***6.5.6 Telecommunication Rental Policy***

*Council will retain the entire rental payable under a lease by a telecommunication provider (or similar service provider) for use of Council owned or controlled land or building and will use that rent for the benefit of the whole community. **This rental will not be shared with individual clubs or organisations that use part of the land upon which the telecommunication lease is situated.***

***Individual clubs, organisations and tenants must not negotiate directly with any telecommunication provider (or similar service provider) in relation to the use of Council owned or controlled land or building.***

*Lease and Licence Policy 2018*

*Director Corporate Services Bayside City Council*

*19 June 2018 / Item 10.7 2023*

*DOC/18/69546*

- **Historical significance omitted.** The title of 230 Dendy St Brighton East was presented to the community by Henry Dendy for community recreational use. It is deemed Crown land and Bayside Council is the custodian and responsible for the management of the Brighton Golf Course.
- Bayside Council is **NOT** joint manager of Brighton Golf Course with the Brighton Golf Club. **Council is joint manager of Brighton Golf Course with Leisure Management Services (LMS)**
- **A CHMP is required when a 'high impact activity' such as a Telecommunications Facility is planned in an area of 'cultural heritage sensitivity'.** These terms are defined in the Aboriginal Heritage Regulations 2018. In these circumstances, planning permits, licences and work authorities can't be issued unless a CHMP has been approved for the activity. The site is located within an area of cultural heritage sensitivity and the works should trigger a CHMP to be prepared as the development will have a HIGH IMPACT on the area
- Comments from LMS **not Brighton Golf Club** were sought.
- LMS comments have been sought however as **LMS are receiving a commercial benefit from the development, they should be disregarded**

## **OBJECTION 6.**

### **6.1 - 129 OBJECTORS CONFIRMED – NO WITHDRAWALS**

The Community does not want a Telecommunications Facility on the site of Brighton Golf Course. It is concerning that ***the Planning & Amenity Committee are not invested in finding alternative locations where they might be at risk of losing voter / community support because the proposed location is not in any of their Wards***

### **OBJECTION 6.2 | LETTERS OF SUPPORT QUESTIONABLE**

Bayside Planning and Development departments have demonstrated they cannot distinguish between LMS (Golf Course Managers) and The Brighton Golf Club (a private club located in Glencairn Ave)

4 February 2022, I contacted the Council Planning Department by phone **to alert them to the Agenda error naming Brighton Golf Club as a supporter of the Telstra application** instead of correctly identifying Leisure Management Services as the Golf Course managers.

Council Planning got back to me the same day and advised in the course of the conversation (sic) **that having spoken to the Council Property Development Department, they understood the Brighton Golf Club were the ones who actually suggested the proposed location as the most suitable on the course. Therefore, they are deemed supportive of the application in doing so.**

Bayside Development advised they interpreted LMS selection of the site as an indication of support. **Does this mean that Planning have erroneously registered a comment regarding the pole location as a registration of support?**

Objectors have not been told on what basis (WHY) the proposed development is being supported. Commercial interest? Trying to curry favour with Council for when their own development permit application is submitted? Maybe. It's not been disclosed.

#### **Fact | Brighton Golf Club do not support the Telstra Application**

Furthermore, I was told that The Brighton Golf Club had indicated their preference for the Telstra Pole site which planning took as support for the Application.

**Misleading the community |** This miscommunication intentionally or unintentionally misleading the 129 objectors who no doubt read this agenda available on the council website and it was reinforced in two subsequent amendment emails.

**Brighton Golf Club is one of six (6) offsite local Golf Clubs that use the Brighton Golf Course including Nepean Women's Golf Club, Moorabbin Golf Club, Dendy Ladies, Elsternwick Park Women's Golf Club and Wyuna Women's Golf Club**

**It reinforces the point that Bayside Council seem unable to differentiate between the Brighton Golf Club and the Golf Course Management, LMS.**

## **OBJECTION 8. | BAYSIDE COUNCIL HAS NOT BEEN WITHIN THE PLANNING POLICY FRAMEWORK (PPF) OBJECTIVES FOR LAND USE AND DEVELOPMENT IN VICTORIA FOR THE REDEVELOPMENT OF GOLF COURSE LAND.**

**The proposed tower development is not low impact.** The Executive Summary of the **Telstra Planning Report** itself recognises that the proposal is **NOT low impact**. *The proposal should not be portrayed as without major impact.*

*The proposal is not deemed "low impact" under the Commonwealth Legislation.*

*And again, at page 66 .....new mobile telecommunications towers are not low-impact facilities.*

Council has not delivered on the objectives or addressed relevant matters and erroneously presented the development as low impact.

## **8. Mr David Marriott (S)**

Dear Mr Mayor and Councillors,

I am writing this submission to you hoping that it will be read out at your council meeting to be held on Tuesday 8<sup>th</sup> February, 2022, when the planning application for the proposed telecommunications tower is scheduled to be heard.

I have lived in Canberra Grove, East Brighton since 1987, and over the course of the development of mobile phones in that time, I have always struggled to get useable mobile phone reception in our neighbourhood.

Over many years, my neighbours and I have stood out in the street to make important business calls, utilising the 1 to 2 bars of mobile signal that we get in our street where Binnie Street and Garden Avenue intersect Canberra Grove.

Over time, we have seen some small improvements in mobile reception in our area with the inception of 3G and then the 4G mobile networks, but still our mobile reception is to say the least quite marginal.

Over many years we have spoken with Telstra about improving our reception, only to be told that they have tried to put in more phone towers in the area, but that the residents have always objected.

During 2019 and 2020, we were blessed to have the NBN network connected in our neighbourhood, and with that came the development of wifi calling.

This meant that we could finally make calls from inside our houses via our home wifi network and the internet. This was to say the least life changing for our community of neighbours, whereby we could finally do business from inside our homes as we were all forced to work from home during the Covid 19 lockdowns.

Despite this great advance in technology, wifi calling does not support the sending or receiving of text messages or photos.

Even in the year of 2022, we still cannot send or receive text messages or photos from inside our houses if it is raining outside or the like. Even from out in the street, we sometimes cannot even send a text in inclement weather.

I really hope that council can see fit to approve the building of this phone tower, to finally bring 21<sup>st</sup> century communications to our part of East Brighton.

I see the proposed site as a perfect location for the tower, away from neighbouring homes, and am impressed that the tower only protrudes by 10 metres above the adjacent 25 metre high tree canopy.

Given that the structure will be painted to blend in with the nearby vegetation, I see this as the best possible location for a much needed facility.

I will be very excited if this proposed tower is to be approved by you and to go ahead and be built sometime very soon. My neighbours and I look forward to hearing of a favourable outcome at the conclusion of your meeting.

Thank you for your time and consideration.

Best regards,

David Marriott

## **9. Miss Laura Hamer (on behalf of Telstra) (A)**

Bayside Council Planning and Amenity Delegated Committee Meeting – 8<sup>th</sup> February 2022

### **Agenda item 4.2 – Planning Application No. 2021/380/1 – Proposed Telstra facility at 230 Dendy Street, Brighton East**

Telstra has identified the Brighton area as requiring an expansion to the existing mobile network to satisfy network capacity demands and improve coverage. The huge growth in “smart” mobile handsets is placing an increased demand for data and speed on the existing network. Existing base stations in the area do not provide ubiquitous data/voice experience and are reaching capacity limits, particularly during the busiest times, and further improvements to existing base stations in the area are not feasible.

Telstra’s existing sites in the Brighton area are nearing full capacity. The new telecommunications monopole facility proposed at the Brighton public golf course is necessary to ensure local residents will continue to experience high-quality mobile network performance.

If the proposed new facility is not introduced, some Brighton East residents in the area who use the Telstra network may experience difficulty connecting to the network, experience high call dropped rate and reduced data speeds. They may also experience longer download times and poor performance at the busiest times of the day, because the existing base stations are shared across many customers.

A thorough review of the search area, involving the assessment of several candidates, determined that a new monopole facility, at a maximum height of approximately 38m, was the only viable solution to avoid existing and future network performance impacts. Alternate candidates were discounted primarily due to their inability to meet the required radio frequency coverage objectives. Extensive consultation with Bayside City Council and Brighton Golf Course Managers was undertaken to select a suitable site within the golf course.

For mobile sites to work optimally and maximise their coverage and capacity requirements, they need to be close to the customers they are servicing, visible and unobstructed, high enough to clear natural surroundings such as trees, undulating topography, and buildings and share the call load evenly in all directions.

The proposal strikes a balance, by being located within a cleared area within recreational reserved land in an otherwise predominantly residential area. The proposed site location offers natural screening from surrounding tree cover, of approximate 20m height, and is well setback from the nearest residential dwellings.

Locating a facility within a recreational area is relatively commonplace in medium to high density residential areas as they generally offer, particularly in this case, additional separation from surrounding residential dwellings and well treed environments to aid with screening the facility.

Whilst it is acknowledged that the monopole will be visible from some properties close to the golf course, it is contended that the visual impact of the proposed facility when viewed from surrounding residences will be tempered by distance and buffered by intervening mature vegetation and built form in the urban landscape.

The facility has been strategically designed to mitigate visual amenity impacts, through the use of a slimline monopole design with a turret headframe. The pole and cabinets will be finished in neutral, muted colours and a non-reflective finish to blend in with the surrounding vegetation.

It is considered that significant efforts have been made in the siting and design of the proposed facility, which will result in an acceptable visual outcome in this location. The small footprint required for the proposal will not impact the environment or biodiversity of the reserve land.

The new facility will support the local economy, home based businesses, enable increased demand and requirements for 'working from home', assist with vital communications for emergency services such as medical, ambulance and fire services, education, community, tourism and recreational uses, with the provision of important connectivity for the local community.

The proposed development accords with the PPRZ as an appropriate use and development and is in line with the State Planning Policy Framework (PPF), that notes the need to 'Ensure that modern telecommunications facilities are widely accessible to business, industry and the community' and 'Ensure the communications technology needs of business, domestic, entertainment and community services are met'.

Furthermore, the proposed telecommunications facility will comply with the prescribed health standards developed by ARPANSA with the proposed facility significantly below permissible EME levels. The Environmental EME Report has been provided as part of the development application.

**We would like to note that the recently discussed Warm Water Pool (Agenda item: 10.4 – Council Meeting 21/12/21) is also proposed to be located within Brighton Public Golf Course. We wish to highlight that the proposed Telstra facility is to be located on the opposite side of the Golf Course car park from the proposed pool. It is anticipated there will be no conflict in the operation of both proposals.**

In conclusion, Telstra consider that the proposal offers an optimal solution with regards to the site selected and strikes an appropriate balance between visual amenity impact and improvements to mobile phone coverage for residents of the Brighton East area.



Laura Hamer – Senior Specialist (SAED) - Telstra

**Item 4.3**

**1–5 Reynolds Street, Hampton East**

## 1. Mr Mathew Wilson (for Planning & Property Partners) (A)

Dear Committee,

### **1-5 REYNOLDS STREET, HAMPTON EAST PROPOSED SOCIAL HOUSING DEVELOPMENT VICTORIA'S BIG HOUSING BUILD**

Planning & Property Partners Pty Ltd acts on behalf of *Reynolds Street Developments Pty Ltd* and *Housing Choices Australia* (HCA) and in relation to the proposed redevelopment of the land at 1-5 Reynolds Street, Hampton East for an eight (8) storey apartment building containing 83 social housing dwellings and which forms Agenda Item 4.3 of tomorrow evening's Planning and Amenity Committee meeting.

In addition to the supportive officer report and recommendation before the Committee, we provide the following written statement and additional background information to assist your consideration and to inform Council's position for the application before the Minister for Energy, Environment and Climate Change pursuant to Clause 52.20 of the Bayside Planning Scheme.

- HCA is an independent, not-for-profit housing provider that delivers high quality, accessible and affordable housing. HCA is one of the largest community housing providers in Australia with operations in Victoria, South Australia, Tasmania, New South Wales and Western Australia.
- HCA has been awarded funding for the above project under the Rapid Grants Round of the State Government's 'Big Housing Build'. The project will provide much needed social housing within the City of Bayside, as recognised in Council's recently adopted Bayside Affordable Housing Strategy.
- The apartments are designed to respond to the translated 'Better Apartment Design Standards' within Clause 52.20 of the Bayside Planning Scheme and the Liveable Housing Australia Design Guidelines (silver standard), achieving a NatHERS 7-star rating and Green Star 5-star Design & AsBuilt rating.
- The proposal follows a lengthy planning history for the site, where our client has worked closely with Council planning officers, leading to the issuing of Planning Permit 5/2016/596/3 for the land and the approved development for a six (6) storey residential building containing 70 apartments.
- Engagement with Council's statutory and strategic planning officers has continued with this proposal, along with advice, review and input from Homes Victoria, DELWP and the Office of the Victorian Government Architect. The proposal seeks an increased building height from this existing approval to a maximum height of eight (8) storeys.
- Extensive community consultation has occurred as part of the application, including:
  - A mail out to nearby owners/occupiers within 150m radius of the site.
  - An online website containing development plans, supporting reports, and welcoming community feedback.
  - An online community information session hosted on 21 December 2021;
  - An overall five (5) week public notice period from 10 December 2021 – 19 January 2022 inviting written submissions and in excess of the three (3) week Homes Victoria guidelines.

- Through this consultation period, 17 written submissions were received (including duplicate submissions from the same household) with one submission in support of the application. Details of the submitter and their submission were provided to Council planning officers following this process with concerns raised summarised within the officer report.
- The site forms part of the Hampton East (Moorabbin) Major Activity Centre, and centrally located within Precinct 3 of the Activity Centre Zone – Schedule 3, being the precinct where the greatest extent of land use change and built form intensity is set to occur across the MAC.
- The proposal seeks to provide an improved and enhanced public realm outcome through the removal of the streetwall as approved by the existing planning permit, distributing this developable area and approved building envelope to the building's uppermost levels and providing added greenery, canopy trees and landscaping to the Reynolds Street frontage. This design response is submitted to provide a more pleasant pedestrian experience and environment in this location of the MAC, while successfully balancing the built form requirements of Clause 52.20 and the ACZ1 control (if it otherwise applied).
- Within this MAC location and as a result of the increased building height from the existing approval, it is submitted that:
  - No additional, unreasonable off-site amenity impacts will arise to neighbouring properties nor comprise their development potential in context of their MAC location and ACZ1 control.
  - The additional height provides increased social housing dwellings, delivering a demonstrable benefit for vulnerable members of the community in a location where they can take advantage of existing amenities and infrastructure aligned with the MAC, including the nearby Moorabbin Railway Station and bus terminal.
  - The building's height appropriately responds to the site's natural east-west fall, with the additional two (2) storeys above the ACZ1 discretionary requirements located at its central and eastern modules ensuring a continuous terracing of built form can occur from the MAC's central core to the western boundary of Precinct 3.

Following Council's resolved position on the proposed development in its current form, our client and the project team will thoroughly review the various stakeholder and community input received to inform any changes and the final application lodged with the Minister for Energy, Environment and Climate Change.

We implore the Committee to support the application in its current form which will deliver significant community benefits to the Bayside municipality.

Should the Committee require any additional information or wish to discuss this application in further detail, please contact the undersigned on 8626 9090 – (email: wilson@pppartners.com.au).

Yours faithfully,



**Mathew Wilson**  
**Planning & Property Partners Pty Ltd**

2. **Mr Matt Harris & Mr James Henry**  
**(on behalf of Housing Choices Australia) (A)**



## ABOUT HOUSING CHOICES

Housing Choices is a national, not-for-profit housing provider. Housing Choices exists to create safe, quality and affordable housing for people struggling to find a home in Australia’s challenging private rental market; working with partners to create resilient and inclusive communities. Managing over 7,000 social and affordable homes for 8,500 residents across Australia, it has an asset base of \$1 billion and over 250 employees in five States.

 **100%**  
Year on year compliance record

Housing Choices is led by four Guiding Principles – the foundations of all our behaviours and actions:

**We put customers first.** Customers are central to everything we do. We listen and respond with open and honest communication and a flexible approach.

 **8,000+**  
Tenancies under management across Australia

**We work together.** We work collaboratively and in partnership to achieve our mission.

**We trust and are trusted.** We keep promises, are accountable and are transparent in our actions.

**We learn and adapt.** We aim to inform the policy environment, support our actions with evidence, encourage innovation and continually adapt to a changing environment.

In the social housing sector, Housing Choices has an enviable record of regulatory performance and compliance across all its operations, with consistently year on year outperformance in key performance measures against peer organisations.

 **90%+**  
of partners are highly satisfied with their working relationship with HCA

We work with residents, government agencies, support service partners and community organisations to deliver good housing particularly suitable for people living on low incomes and those living with a disability. We work to create resilient, inclusive neighbourhoods across all our properties, providing residents with access to support services that will improve their health and wellbeing, and to opportunities that will improve their life circumstances.

## A leader in community housing



**Build award-winning sustainable homes**



**Own and manage our assets**



**Allocate and look after our tenants**



**Connect with communities & services**



**Maintain our buildings to the highest standards**

## DEVELOPMENT EXPERIENCE

Housing Choices has participated in over \$400 million in new construction activity since formation. Housing Choices has worked with a range of leading construction and development partners including PDG, Lend Lease, MAB, Burbank, Metricon, Frasers Property, BuildCorp, LU Simons, Nightingale Housing and AV Jennings as well as both State and Commonwealth Governments.

The Housing Choices Development team has extensive experience in the design, construction and Lifecycle management of multi-dwelling developments intended for low income and disadvantaged residents.

Housing Choices are proud to have been successful in recent funding applications under the Social Housing Growth Fund, Big Housing Build – Rapid Grants Round. Housing Choices received funding for seven significant projects totalling approximately 400 dwellings (approximately \$200m in value) under this funding round. Links to all those projects can be found here:

<https://www.housingchoices.org.au/development-projects>

## **HOMES VICTORIA & BIG HOUSING BUILD**

Homes Victoria is the new government agency appointed to manage Victoria's Social Housing System. Homes Victoria are implementing the Big Housing Build.

### **Homes Victoria**

- New innovative State Government agency
- Modern, affordable and secure housing across Victoria
- Building a fully sustainable housing system for future generations
- Manage \$5.3bn Big Housing Build

### **Big Housing Build**

- Largest single investment in affordable and social housing
- 2352 new homes over four years + 9000 construction jobs
- Homes Victoria works with developers, builders, architects and designers, LGAs, community housing sector
- High quality, suitable and affordable homes
- Maximise social and economic benefits
- Streamlined planning process to fast-track delivery via Clause 52.20
- Without compromising planning and built form outcomes

#

# REYNOLDS ST, DEVELOPMENT ATTRIBUTES

#

In all instances, Housing Choices seeks to deliver high quality living environments to its future tenants. ESD initiatives are a strong part of the Big Housing Build desired outcomes and entrenched in Housing Choices design principles.

The development at 1 – 5 Reynolds St has been identified as meeting key locational criteria for social housing tenants due to its proximity to public transport, local activity centre and job opportunities. It will be BADS compliant, meet NatHers 7 star average and 5 star green star.

## NatHERS 7 Star average minimum Green Star 5 Star - Australian Excellence

Initiatives include:

- All electric building
- Heat pump hot water
- Energy efficient lifts
- Green Power
- 3 motorbike spaces / 3 EV charge stations
- Minimum 77 bicycle spaces
- WELS rated fixtures
- Rainwater tank connected to irrigation
- 21kW Photovoltaic (PV) system
- Integrated WSUD: 30kL rainwater tank connected to all toilets + Gross Pollutant Trap (GPT)
- Concrete mix with 30% cement reduction, recycled water 40% aggregate replaced with slag
- Sustainably sourced timber
- No PVC products, only approved manufacturer of PVC products

(full list can be provided on request)

## Site Amenity

Advantages include:

- Proximity to Train station
- Proximity to Bus Interchange
- Proximity to schools
- Walking distance to supermarkets
- Walking distance to retail & restaurants / takeaway

### 3 Reynolds Street

Hampton East, Melbourne, 3188

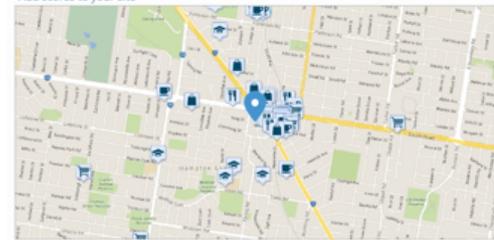
Commute to **Downtown Melbourne**

29 min 60+ min 60+ min View Routes

[Favorite](#) [Map](#) [Nearby Apartments](#)

**Web Score**  
**85** **Very Walkable**  
Most errands can be accomplished on foot.

About your score  
[Add scores to your site](#)



#



An experienced project team has been assembled to deliver the project. The development has been well considered and we encourage the committee to support the application in its current form which will deliver significant social housing and community benefits to the Bayside municipality.

**Item 4.4**

**28 Wembley Avenue, Cheltenham**

## 1. Mr Melanie Ellis (for Change of Plan Town Planning) (A)

As the applicant for the proposal at 28 Wembley Avenue, Cheltenham we wish to make a submission to the Council Meeting to respond to the objections raised. For consistence we will utilise the summary of concerns that is included on page 175 of the Council Report. Each point will be addressed.

### Removal of Tree 1 in front setback

The plans have been updated to provide for the retention of this tree. An updated arborist report with tree protection measures has been included to ensure the tree will be protected.

### Size of dwellings

The first floor areas of the two dwellings have been modified and reduced in size. The plans include a break between the dwellings of 5.108-7.108m at first floor level. The plans have also been updated to remove the sections of pitched roofing. This assists in reducing the overall height and visual impression of the dwellings.

### Colour of render

The dwellings will be constructed of a mixture of brick and render in a white colour, timber cladding in cedar and framed windows to Olympic Avenue in colour Monument. This mixture of materials and colours is considered to be in keeping with the area and provides for a contemporary and coastal style.

### Overshadowing

The additional shadowing cast by the proposed dwellings is minor and the requirement of Standard B21 is achieved. The objector requested additional information on shadowing at other times of the year, however this is not within the scope of what can be assessed under Standard B21.

### Overlooking

Concern was raised regarding overlooking. All necessary first floor windows will be raised to 1.7m above floor level in accordance with Standard B22 in order to limit overlooking.

### Length of driveways

The proposed driveways are of sufficient length to allow for the parking of a vehicle. Under Clause 52.06 the requirement is for an additional 0.5m on top of the 4.9m for the length of the space, which has been provided. The proposed gradients of the driveway also satisfy the requirements of Clause 52.06.

### Location of proposed vehicle crossovers

Council's Traffic Department have considered the proposal and are satisfied that the proposed vehicle access is satisfactory. The proposed crossover has been located a sufficient distance from the corner to ensure safe and efficient movements. Cars will be able to enter and exit the site safely. Vehicle sightlines will be provided to ensure that drivers can adequately view pedestrian and vehicles as exiting.

### Removal of street tree

Council has assessed the removal of the street tree and deemed it acceptable. In order to provide for safe and efficient vehicle movements the tree is not viable to retain.

### Removal of boundary fence

Concern was raised that there would be a portion of the south boundary fence removed, however this is not proposed as part of this application. The plans detail that this existing fence will be retained.

### Impacts in the south courtyards and the decking

Concerns were raised regarding the south courtyards and decking to the south boundary. In response the water tanks have been relocated to the side of the deck areas. This has moved the water tanks away from Wembley Street and the adjoining property and additionally has provided a setback from the south boundary to the decks.

Concerns were also raised regarding potential noise sources, particularly in the courtyards. All services are proposed to be on the walls of the dwellings and so will be setback from the adjoining property. The air conditioning units are also located to the sides so as not to be directly adjacent to any windows. It is considered that the design of the courtyard and location of services is reasonable and no more than standard residential noises are likely to be generated by the dwellings.

Yours sincerely



Melanie Ellis  
Director

**Item 4.6**

**22 Glenwood Avenue, Beaumaris**

## 1. Ms Mietta Gleeson (for Urbis) (A)

Dear Mayor & Councillors,

### 1. INTRODUCTION

Urbis continue to act on behalf of the permit applicant with regard to the use and development of the land at 22 Glenwood Avenue, Beaumaris, subject to Planning Permit Application No.2021/541/1.

The application for a two-dwelling development and associated tree removal is to be heard at the next Planning and Amenity Committee Meeting to be held on Tuesday 8 February 2022. We support the recommendation of Council's Officers to issue a Planning Permit, subject to conditions.

### 2. VEGETATION REMOVAL

The proposed vegetation removal associated with the development is considered appropriate with regard for both the site context and the decision guidelines of the Vegetation Protection Overlay – Schedule 3 (VPO3).

As confirmed in the submitted arborist report and from the Council arborist's review, both Tree 6 and Tree 10 are supported for removal on the basis of their amenity and retention values, being of poor health, poor structure and low amenity value. Tree X is a fern and is confirmed a not contributing to the landscape character of the area.

Replacement planting, in accordance with the proposed landscaping requirements of the permit at Condition 10, will provide a more meaningful vegetation outcome in line with the preferred future landscape character. This includes the requirement for 80% native species and the provision of new canopy trees to be planted on the subject site.

On this basis, it is considered that the proposed tree removal is in compliance with the objectives of the VPO3 and should be supported. It is also noted that removal of the above trees was previously supported by Council under Planning Permit 2018/490/1.

### 3. Conclusion

Based on the above, and the planning officer's assessment of the application, it is submitted that this planning permit application reflects a well resolved proposal and warrants favourable determination.

Should you wish to discuss any matters of the application please contact me on 0421 479 752 or via email at [mgleeson@urbis.com.au](mailto:mgleeson@urbis.com.au).

Yours sincerely,



Mietta Gleeson  
Senior Consultant

**Item 4.7**

**1 Gordon Street, Beaumaris**

## **1. Mr Matthew and Mrs Julie Clark (O)**

Following-on from our initial objection which still stands we would like to highlight the following for your consideration:

We are the owners and occupiers of the home at 62a Church St Beaumaris which is located on the western side of 1 Gordon St.

Having reviewed the plans in detail we would like to express our concern over the substantially increased overshadowing of our rear yard, with a significant reduction in the amount of sunlight in the space throughout the day. The 9am overshadowing plans show significant and unreasonable overshadowing of our existing rear garden open space. This overshadowing will continue throughout the morning and will not provide the minimum of 5 hours of at least 75% sunlight set out in ResCode – increasing shading in our garden area significantly. In the Winter months this shadowing will be further increased creating a cold unusable space.

Although we have not been able to assess the shadowing on September 22nd (as we were not aware of the plans to redevelop the property at this time), what we have observed during the summer months in the shadow diagrams appears to be very conservative.

We would like to highlight the following from Residential Development Standards (ResCode):

“If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced”.

As the existing dwelling receives less than the requirements outlined in the standards, any further overshadowing should not be allowed.

In addition to our concern regarding the overshadowing we believe that the proximity and visual bulk of the proposed dwelling will contribute to a significant reduction to the amenity of not just ours but each of the adjoining existing properties in Church St with the rear yards of these properties becoming closed-in with the outlook from both the yard and internal living area of our homes comprising of a large brick / rendered side wall. Following the meeting held between objecting parties and the developer we have received revised plans. No amendments have been made to the original plans regarding the effect on our property as a result of the proximity of the new development. The imposing and enclosing nature of the proposed building will have a significant impact on the livability of our outdoor area. The usable area will feel enclosed with a 6.08m high wall (and an overall building at 7.856m) located 3.055m from the back fence – this will most certainly reduce the livability of our own home.

The overdevelopment of the property at 1 Gordon St with the western side wall adjacent to our back fence will greatly affect all five Church St properties situated on the western boundary in our ability to utilize our own properties to the extent to which they have been designed and could in addition play a significant role in the reduction in value of our homes.

We trust that given these concerns and the concerns of all neighboring properties that the council will reconsider the proposed development of the property at 1 Gordon St which we believe will cause a detrimental effect to our home. We chose to live in the area due to the livability, lifestyle and environment and believe that the proposed redevelopment of 1 Gordon St Beaumaris will significantly impact this.

Yours sincerely

Matt Clark Julie Clark

## **2. Ms Mietta Gleeson (for Urbis) (A)**

Dear Mayor & Councillors,

### **1. INTRODUCTION**

Urbis continue to act on behalf of the permit applicant with regard to the use and development of the land at 1 Gordon Street, Beaumaris, subject to Planning Permit Application No.2021/441/1.

The application for a two-dwelling development and associated tree removal is to be heard at the next Planning and Amenity Committee Meeting to be held on Tuesday 8 February 2022. We support the recommendation of Council's Officers to issue a Notice of Decision to Issue a Planning Permit, subject to conditions.

### **2. Proposed Amendments to the plans under Condition 1**

We support the Council Officer's proposed planning permit conditions. With regard to Condition 1, we note the following:

- It is acknowledged that an increase in the western side boundary setbacks will provide an improved interface to the adjoining properties to the west and further improve the proposed shadow outcome.
- It is understood that the retention of Tree 7 will provide a more meaningful vegetation outcome for the site, in line with the preferred future landscape character.

With the addition of the alterations sought by Condition 1, we consider planning permit application reflects a well resolved proposal that warrants favourable determination.

### **3. Response to Objector Concerns**

It is noted that a consultation meeting was held with objectors on 9 December 2021 to discuss their concerns. Following the consultation meeting a range of alterations were made to the plans to provide an improved design and amenity outcome, with a particular focus on the western boundary interface. These plans were submitted to Council via a Section 57a amendment application on 17 January 2022.

Overall, the amended plans provide an appropriate balance between the concerns of the objectors and the ability to achieve a considered and site responsive development outcome for our client in this established residential location.

In response to the objector's key comments, we submit the following:

#### **Overshadowing to the Secluded Private Open Space of the Properties to the West**

As part of the changes made via the Section 57a amendment the overshadowing impact to the properties to the west was improved. This includes achieving full compliance with Standard B21 to the properties at 64A & 64B Church Street.

With regard to the properties at 2/60 and 62A & 62B Church Street the overall shadow impact has been reduced, with a small amount of additional shadow still cast to the secluded private open space of these properties at 9am on September 22, with no additional shadow cast by the proposal for the five hours between 10am and 3pm.

It is considered that the proposed shadow outcome to each property is responsive to the established residential context of the area and aligns with the objective of ResCode Standard B21. Noting that the proposed development does not result in significant overshadowing to the existing secluded private open space of the respective adjoining properties.

### Overshadow to the Habitable Room Window of 2/60 Church Street

It is confirmed that the proposed development is fully compliant with the requirements of Standard B19 to all adjoining properties. As part of the changes made via the Section 57a amendment the overshadowing impact to the property at 2/60 Church Street was significantly improved and additional plan detail was provided to confirm that no additional shadow would be cast to the east facing habitable window.

Please refer to the plan extracts below from Sheet 6 and 8 of the amended plans.



### Visual Bulk

Any perceived visual bulk from the adjoining properties is mitigated through proposed minimum upper level setbacks over 3 metres from the side boundary. This outcome will be further improved to the western interface once the plans are amended to satisfy proposed Condition 1 (b), which ensures full compliance with the Bayside NRZ3 variations to Standard B17.

In addition, the development proposes variation in the setbacks to provide articulation and break up the building mass. This outcome was improved as part of the changes made via the Section 57a amendment, which included deletion of the western portion of the parapet adjacent to the master bedroom of Unit 1 and the addition of timber material to the upper level eastern and western façades.

Further to this, canopy tree planting is proposed in the rear setback of each dwelling to soften views to the built form. This will be further improved by the retention of Tree 7, as required by Condition 1.

### Noise from the Location of the West Facing Sliding Door

The west facing sliding door of Unit 1 was deleted from the plans as part of the Section 57a amendment.

### Non-Compliance with ResCode Standard B17

Proposed Condition 1 (b) requires, *'the first floor western side setbacks, with the exception of the front facade parapet, amended to comply with Standard B17, including any eaves which exceed the allowable encroachment under the standard'*.

Satisfaction of this condition will ensure that the final endorsed plans provide for a development that is fully compliant with the requirements of the Bayside NRZ3 variations to Standard B17.

### **Neighbourhood Character**

Side-by-side dual occupancy developments are common throughout Bayside, particularly on lots with the standard frontage length of 15.24 metres. The proposed contemporary built form on the site adds to the diverse character of development that is evident throughout the area where a range of built form styles are present.

The proposal appropriately responds to the preferred character of Precinct H2 and shows compliance with the design guidelines of Clause 22.06, these include allowing for; adequate garden space, interesting and articulated facades, a mixture of materials and finishes and vegetated and open setbacks, including a 2 metre western boundary setback to the garage of Unit 1.

Based on the above, and with the revisions made as part of the Section 57a amendment and additional tree retention proposed by Condition 1, it is considered that the proposed development is suitable for the site and will fit comfortably within the existing neighbourhood character of the area.

## **4 . Conclusion**

Based on the above, and the planning officer's assessment of the application, it is submitted that this planning permit application reflects a well resolved proposal and warrants favourable determination.

Should you wish to discuss any matters of the application please contact me on 0421 479 752 or via email at [mgleeson@urbis.com.au](mailto:mgleeson@urbis.com.au).

Yours sincerely,



Mietta Gleeson  
Senior Consultant

**Item 4.8**

**29 Beach Road, Beaumaris**

## 1. Mrs Jane Smitten (A)

Dear Councillors and members of the panel,

I write to you to you as the owner of 29 Beach Rd, Beaumaris.

On December 20 2021 under Section 69 of the Planning and Environment Act 1987 Acorn Planning Pty Ltd submitted a compliant application to request an extension of time for planning permit 5/2019/245/1, and the prescribed fee of \$1,390 was paid.

The subject permit is for 4 townhouses (in a single building appearing as one double storey dwelling) on a 1040sqm corner site at 29 Beach Rd, Beaumaris.

### REASONS WHY THE EXTENTION OF TIME IS REQUESTED

#### **A CHANGE IN OWNERSHIP**

There has been a recent change in ownership, I purchased the site on May 17 2021 and have been working (as evidenced in the following pages) to begin Construction before the expiry of the permit.

#### **A CHANGE IN MARKET CONDITIONS – CONTRACTED BUILDER HAS WITHDRAWN FROM CONTRACT**

COVID-19 HAS CAUSED A BUILDING MATERIAL SHORTAGE & 30% COST INCREASE IN TIMBER & 100% COST INCREASE IN RAW STEEL & A TRADE LABOUR SHORTAGE DUE TO UNPRECEDENTED INDUSTRY BODY RESTRICTIONS.

I have an executed building contract however the builder has handed back the contract and not honoured the fixed price and 14 month construction duration stating reasons of unforeseen rise in cost of building materials, supply shortage of building materials and lack of labour due to unprecedented industry restrictions owing to COVID-19. The contracts 'rise and fall' clause did not allow for such percentage increases.

After such setback I have been engaging with a new builder and we are currently in the process of exploring more efficient design and construction methods whilst also discussing terms with the intention to begin construction as soon as practical.

I have conveyed the above to my finance company who have requested that the planning permit be valid for a period of 2 years to cover further unforeseeable COVID delays and to see the project through.

### WAS THERE ANY ACTIVITY UNDERTAKEN, OR COSTS INCURRED TO PROCEED WITH THE PERMIT SINCE THE GRANTING OF THE PLANNING PERMIT?

The below listed actions since the granting of the planning permit shows genuine intent to proceed with the project with multiple financial commitments incurred after the granting of the planning permit:

#### **DRAWINGS AND DOCUMENTATION HAVE BEEN ENDORSED BY COUNCIL**

Endorsed Architectural Drawings in line with the Planning Permit Conditions  
Landscape Plan  
Arborist Report, Tree Management Plan and Hydro Excavation

Archaeological Excavations to find Aboriginal Artefacts

## **BUILDING DOCUMENTATION COMPLETED**

Construction Management Plan

Soil Test

Structural and Civil Engineering

6 Star Energy and Sustainability Reports

Fire Engineering Report and Hydraulic Services Design

Construction Drawings Completed

Building Surveyor Advice Received

Master Builders Contract executed (and revoked by builder)

## MERITS OF THE APPLICATION FOR EXTENSION OF TIME

- 1) There has been no significant change in planning policy. The chance of this permit being issued again is likely.
- 2) I am not seeking to warehouse the permit. The completed actions and expenses incurred after the planning permit was issued reinforces this.
- 3) There are no intervening circumstances bearing on the grant or refusal of the extension
- 4) There have been no previous extensions to this permit
- 5) The application for extension of time was made in the prescribed time, compliant and relevant fee paid
- 6) The time limit originally imposed was adequate however due to the unprecedented pandemic and state of emergency that has been intermittent for the last 24 months an extension of time is justified by such extenuating circumstances.
- 7) The probability of a similar permit should a fresh application be made would be likely given there is no change to the surrounding area or properties that would alter the consideration of the proposal.
- 8) Should the permit not be renewed it would be an economic burden as the professional costs to date associated with the planning permit and construction documentation runs into the hundreds of thousands of dollars.
- 9) The planning permit was approved by Bayside Council.
- 10) Just one objection to the planning application was received.
- 11) The site has regularly been maintained by my own initiative without input or intervention from Local Laws.
- 12) This project once completed will provide an open space contribution fee to Bayside Council of approximately \$150,000

I reference a set criteria established in Supreme Court Decision “Kantor v Murrindindi Shire Council (1997) 18 AATR 285” and I trust the extension of time request can be progressed with without appeal.

### SITE MAINTENANCE SINCE MY OWNERSHIP

A new owner should not be punished or categorised for a sites history however I can ensure that the site will be continued to be maintained whilst it is in my possession.

Since taking ownership of the site May 17 2021, the site has always been kept clean and secure with regular maintenance. Immediately upon settlement of the property the old site fencing was removed and brand new temporary fencing was erected for security and aesthetics, furthermore the site vegetation was brought back to a compliant and well manicured standard.

I have had the garden/vegetation attended to on a regular basis and have photographic evidence to prove as such. I attach the most recent photo dated January 25 of the sites present condition below:



Photo: Subject Site, 29 Beach Rd, Beaumaris, January 25 2022

Sincerely  
Jane Smitten