

# REQUESTS TO BE HEARD

**12 April 2022**

## **Planning and Amenity Delegated Committee Meeting**

### **IMPORTANT NOTICE**

As we welcome back speakers to the Council Chamber after approximately 2 years, it is our intention to provide a safe environment for those attending the Chamber to speak. It would be appreciated if speakers could adhere to the following requirements.

1. Speakers (only) are invited into the Chamber.
2. Vaccination certificates must be sighted on arrival.
3. Names will be checked off the list and allocated a number.
4. Only speakers for two items at any time will be ushered into the Chamber.
5. Where possible, please remain 1.5 metres apart (or allow a spare seat either side of you).
6. The microphone and desk will be wiped after each speaker
7. All other speakers will be asked to remain in the mezzanine until called to the Chamber.
8. As your particular item has been considered and resolved upon by the Committee, you will be asked to leave the Chamber to enable the next item's speakers to enter the Chamber.
9. Please refer to the anticipated timing of each item (in the contents pages of this document).

**Anticipated time the following listed items / speakers will enter the Chamber – 6.30pm)**

<b>Item 4.1</b> )		<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>42 Reserve Road, Beaumaris</b>		
<b>Requests to Speak</b>		
1.	Mr James McGann	(A)

<b>Item 4.3</b>		<b>Objector (O) Supporter (S) Applicant (A)</b>	<b>Page 7</b>
<b>26 Abbott Street and 1a Harston Street Sandringham</b>			
<b>Written Statements</b>		<b>Written Statements</b>	
1.	Dr Adam Marques	(A)	
<b>'Requests to Speak</b>			
1.	Mr Ray Purcell (on behalf of KPA Lawyers)	(S)	
2.	Dr Adam Marques	(A)	

<b>Item 4.4</b>		<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>3-7 Adamson Street, Brighton</b>		
<b>Requests to Speak</b>		
1.	Mr Henry Johnstone	(A)

<b>Item 4.5</b>		<b>Objector (O) Supporter (S) Applicant (A)</b>	<b>Page 12</b>
<b>3/14 Mary Avenue, Highett</b>			
<b>Written Statements</b>			
1.	Ms Kim Moi Ng	(O)	
<b>Requests to Speak</b>			
1.	Ms Kim Moi Ng	(O)	

<b>Item 4.6</b>		<b>Objector (O) Supporter (S) Applicant (A)</b>	<b>Page 17</b>
<b>26-28 Crisp Street, Hampton</b>			
<b>Written Statements</b>			
1.	Mr James Hodges	(O)	
2.	Mrs Denise Hodges	(O)	
<b>Requests to Speak</b>			
1.	Mr Will Leaf (on behalf of Crisp Street Pty Ltd)	(A)	
2.	Mr Jon Brock	(A)	

<b>Item 4.7</b>		<b>Objector (O) Supporter (S) Applicant (A)</b>	<b>Page 21</b>
<b>25 Mary Avenue, Highett</b>			
<b>Written Statements</b>			
1.	Mr Peter Wright	(A)	
<b>Requests to Speak</b>			
1.	Mr Peter Wright	(A)	

<b>Item 4.8</b>		<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>8 Cooke Street, Sandringham</b>		
<b>Requests to Speak</b>		
1.	Mr Trevor Ludeman (on behalf of KATDESIGN P/L)	(S)

**Anticipated time the following listed items / speakers will enter the Chamber – 7.00pm)**

<b>Item 4.9</b>		<b>Objector (O)</b>	<b>Page</b>
<b>8 and 10 Linacre Road, Hampton</b>		<b>Supporter (S)</b>	<b>22</b>
<b>Applicant (A)</b>			
<b>Written Statements</b>			
1.	Mr Ian and Mrs Julie Spence	(O)	
2.	Mr Michael Vanderheide	(O)	
3.	Ms Emily Spence	(O)	
4.	Dr Rebecca Vanderheide	(O)	
5.	Mr Tony Batt (on behalf of Hampton Neighbourhood Association)	(O)	
6.	Ms Loredana Cook	(O)	
7.	Mr Robert and Mrs Jennifer Beattie	(O)	
8.	Mr Alan White	(O)	
9.	Mr Haydn Kelvy and Ms Gabriele Buzatu	(O)	
10.	Mr John McInerney	(O)	
<b>Requests to Speak</b>			
1.	Mr Gino Roussety	(O)	
2.	Mr John McInerney	(O)	
3.	Ms Gabriele Buzatu	(O)	
4.	Ms Fiona Cole	(O)	
5.	Mr John Topp	(O)	
6.	Ms Melissa Alessandrini	(O)	
7.	Mr Daniel Bowden	(O)	
8.	Mr Paul Little (on behalf of 10 Linacre Road Pty Ltd)	(A)	

**Anticipated time the following listed items / speakers will enter the Chamber – 7.15pm)**

<b>Item 4.10</b>		<b>Objector (O)</b>	<b>Page</b>
<b>Unit 201-202/43 Willis Street, Hampton</b>		<b>Supporter (S)</b>	<b>38</b>
<b>Applicant (A)</b>			
<b>Written Statements</b>			
1.	Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association)	(O)	
2.	Mr Des Bastin	(O)	
3.	Mr Robert Blair	(O)	
4.	Mr Francis Leipper and Ms Sheila O'Shea	(O)	
<b>Requests to Speak</b>			
1.	Ms Sheila O'Shea (also on behalf of Mr Robert Blair and Mr Francis Leipper)	(O)	
2.	Mr Geoff Halse (on behalf of Mr Des Bastin; and Mr Brian & Mrs Susette O'Flynn)	(O)	
3.	Mr Kerry O'Brien (also on behalf of Ms Mary O'Brien)	(O)	
4.	Mr Michael Meyer	(A)	

<b>Item 4.11</b> <b>111 Carpenter Street, Brighton</b>	<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>
<b>Requests to Speak</b>	
1. Mr Danny Haesy (on behalf of DH Planning)	(A)

<b>Item 4.13</b> <b>Mulgoa Street, Brighton</b>	<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>	<b>Page</b> <b>44</b>
<b>Written Statements</b>		
1. Anonymous	(S)	

<b>Item 4.16</b> <b>10 Worthing Road, Highett</b>	<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>	<b>Page</b> <b>45</b>
<b>Written Statements</b>		
1. Mr Phillip Rygl (on behalf of Worthing Highett Family Trust)	(O)	
<b>Requests to Speak</b>		
1. Mr Phillip Rygl (on behalf of Worthing Highett Family Trust)	(O)	

<b>Item 4.19</b> <b>57 Abbott Street, Sandringham</b>	<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>	<b>Page</b> <b>49</b>
<b>Written Statements</b>		
1. Mr Christopher Winchester	(S)	

<b>Item 4.22</b> <b>45 Dalgetty Road, Beaumaris</b>	<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>
<b>Requests to Speak</b>	
1. Mrs Marian Le Bas	(A)

<b>Item 4.24</b> <b>Vincent Street, Sandringham</b>	<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>
<b>Requests to Speak</b>	
1. Ms Susanne Motherwell	(S)

# **WRITTEN STATEMENTS**

Item 4.3		Objector (O) Support (S) Applicant (A)
26 Abbott Street and 1a Harston Street Sandringham		
1.	Dr Adam Marques	(A)
<p>I am writing to Bayside Council to allow the removal of a Lemon Scented Gum (<i>Corymbia citriodora</i>) located ~1m from the east boundary and ~5m from the south boundary at 1A Harston Street Sandringham and a Spotted Gum (<i>Corymbia maculata</i>) located ~2m from the north boundary and ~8m from the west boundary at 26 Abbott Street Sandringham.</p> <p>I am the owner of the property in which I live with my wife and three year old twin daughters.</p> <p>It comprises two dwellings - the home in which I reside with my family and the veterinary hospital in which I work. The Spotted Gum overshadows the house and my childrens' bedroom and the Lemon Scented Gum overshadows the veterinary hospital and the garden where my children play.</p> <p>Both trees and the trees in the nature strip surrounding the property did not appear by natural causes but were planted by my predecessor and owner of the property Dr Alan Sherlock. This does not mean they are not native, it just means they were planted and not of natural occurrence. These trees have grown for more than 40 years while dropping multiple branches, as it is known and very well documented in these species of Gum Trees. During this time they have dropped small and larger limbs not only in our property but in the neighbouring properties.</p> <p><b>Damage by Trees</b></p> <p>On 09-02-2020 a large limb from the Spotted Gum fell and caused damage to the front fence and narrowly missed a neighbour - Mr Thomas. Attached for your information are: photos of the fallen limb demonstrating its significant size and the fact the limb fell inside and outside of the property boundary, and a letter from Mr Thomas confirming the near miss, and the potential for injury had he been any closer to the falling limb, all previously shared with Council.</p> <p>Further damage to the roof related to the 09-02-2020 incident led to broken tiles caused by fallen branches. This led to a flood and collapse of the kitchen ceiling. As a consequence our family had to relocate for 6 months during the lockdown period of COVID19 while we waited for repairs to deem the property safe to live.</p> <p>To gather information regarding the state of the roof, Guild insurance solicited a Roof structural report. In this highly detailed report, Mr Robert Coghlan, a roofing trade specialist, confirmed damage repairs costing in excess of \$43,000. Please see the attached report. Damage to the inside of the property and a flooded kitchen escalated costs that fortunately were covered by Guild Insurance. The claim with Guild Insurance was \$69,978.30. Please see attached the claim report.</p> <p>On 11-09-2020 further large branches of the Lemon Scented gum tree fell on the roof of the veterinary hospital. Attached is photographic evidence and a \$4,656 repair quote from Trueblue Plumbing for the damage.</p> <p>Given the amount of damage and risk to the dwelling that we have seen in such a short period of time, and given that these species are known for dropping limbs randomly, we contacted council for an application to remove both trees.</p> <p><b>Tree removal process and guidelines</b></p> <p>Tree removal Permit:</p> <p>Council policy for tree removal is defined using the Management of Tree Protection on Private Property Policy 2015 with a reference number C/POL/CPA/001. This Policy is intended to provide guidance with regard to assessing Local Law permits for Protected Trees on private property in accordance with Local Law No. 2 – Neighbourhood Amenity, Clause 36 – Tree Protection. In this policy a Tree Removal Permit will be issued if:</p> <p>“Tree Location A Permit will be issued where a report from a licensed and/or qualified person in their field provides evidence that the tree is causing structural damage to a building, services or infrastructure or is a risk to people or property, which can only be</p>		

overcome by implementing a remedy that is unreasonable or greatly disproportionate to the value of the tree or the risk posed by the tree (assessed by QTRA).”

QTRA - stands for Quantified Tree Risk Assessment. It is a way to put an exact number on the risk of something happening. QTRA is a tool used by arborists. It is a probabilistic method of assessing the risk of significant harm from the mechanical failure of trees. This tool was developed and peer reviewed in 2005 by Mike Elison.

To complete the Tree permit for 26 Abbott Street, we solicited the services of a Structural Engineer, a qualified Arborist and other important evidence to support our case with Council.

#### Structural Engineer Report:

The dwellings (home and veterinary hospital) were assessed by Mr Julian Schlesinger B.Eng (Civil, Hons1), CPEng NER, RPEQ, RBP, a structural engineer from JRSconsult Pty Ltd. Report attached. In an assessment dated 11-05-2020, Mr Schlesinger conclusions were very clear.

“After the structural inspection at 26 Abbott St, Sandringham, it is evident that both subject trees

have caused irreversible structural damage in the past and are continuing to cause structural

damage to the existing dwelling and associated infrastructure surrounding the property. The

cracking and damage initiated in the building’s foundations and are continuing to cause wide-

spread cracking both internally and externally. The subject trees’ roots are the cause of the movement in the foundations due to their proximity to the existing building’s

foundations and the

roots’ locations within both the critical Structural Root Zone (SRZ) and the within the Tree Influence Zone, as defined by Australian Standards AS4970 and AS2870. Both zones cause

irreversible damage to a structure based on tree root forces and constantly varying soil moisture

contents, both of which were found to be applicable on the subject site.

#### Conclusion:

Based on a) locations of the dwelling cracking, b) size of subject trees, c) area of tree influence

zone encompassing a significant proportion of the existing dwelling, d) extent of existing tree root damage, e) proximity of the trees and their root systems, on the property’s foundations and walls and f) the previous structural damage to the roof rafters from falling limbs, it is strongly

recommended that the subject trees be completely removed from the property in order to prevent any further and/or future structural damage to the building. Additionally, the removal of

the subject trees will prevent further damage to the drainage lines and prevent potential injury,

harm or death to occupants within the dwelling and the surrounding public veterinary clinic.

Please see the attached report for reference.

#### Arborist report:

Both trees have been assessed by Mr John Holliday, a Consulting Arborist. Mr Holliday is an independent arborist. In this report dated 23-05-2021 Mr Holliday assessed Risk and Damage.

#### Risk

Tree 1 represents an unacceptable risk under QTRA. There is no corrective work which meets AS4373-2007 which would reduce this risk to as low as reasonably possible (ALARP).

Tree 2 represents a tolerable risk under QTRA. There is corrective work which meets AS4373-2007 which would reduce this risk to as low as reasonably possible (ALARP).

## Damage

The damage to the paving and concrete surfaces adjacent to both subject trees is considered to be primarily if not entirely as a result of root invasion. The damage to both buildings, detailed in the 05-2020 report by civil engineer Julian Schlesinger, is considered to be caused by the subject trees. A root barrier could potentially protect the buildings from future damage. To correctly install a root barrier, it should be at least 1m clear of any structure. A trench must be dug at least 900mm below ground level and any tree roots found must be pruned and removed prior to installation.

In the case of Tree 1, a correctly installed root barrier would be 2.68m from the centre of the tree stem. This is well inside the SRZ and the loss of tree roots would be catastrophic. It is expected the tree would either decline and die or suffer windthrow and fall.

In the case of Tree 2, a correctly installed root barrier would be 1.34m from the centre of the tree stem. This is well inside the SRZ and the loss of tree roots would be catastrophic. It is expected the tree would either decline and die or suffer windthrow and fall.

## Conclusion:

Mr Holliday makes the following recommendation: "It is recommended that both trees be removed and stumps ground. Works are considered high risk and should be completed by appropriately experienced AQF3 arborists." Please see the attached report for reference.

## Medical Report:

My personal mental health has been terribly impacted by the ongoing stress related to this matter. Knowing that the amount of damage already present is causing ongoing deterioration to my house where I live with my family and the veterinary hospital. The fear and the sense of being powerless to protect my home and make it safer where I work everyday has caused clinical depression and strain in my marriage. Please see attached letter from Dr Felicia D'Sylva Clinical Psychologist. In her letter she agrees that the permanent threat to the household and my family is corroding my mental health and impacting my wellbeing.

## Third party Independent Arborist Report by Bayside Council

Mr Pat Dunne, presented with this evidence, decided to have both trees reviewed by third party independent arborist, Mr Mark Reynolds from Tree Survey. Please see the attached report for reference.

Mr Reynolds' report does not support the trees based on the following points:

Structural Engineer not providing sufficient evidence.

The Roofing Consultant report not linking sufficient evidence

The TrueBlue Plumbing report did not find correlation to damage to branches

The Arborist report being flawed

The Guild Insurance report lacking details

My medical report is not a valid reason

## Argument/ Discussion:

The independent report conducted by Mr Reynolds does not actually fall into the independent category and I believe has a significant conflict of interest. In ArborSurvey website Mr. Reynolds makes several mentions of working along councils and specifically with Bayside council. Please see link: <https://arborsurvey.com.au/mark-reynolds/>

Mr Reynolds discredits the Engineering report conducted by Mr Julian Schlesinger B.Eng (Civil, Hons1), CPEng NER, RPEQ, RBP, a structural engineer from JRSconsult Pty Ltd. From the qualifications mentioned on Mark Reynolds website and CV description he does not have expertise in structural engineering. When I contacted Mr Julian Schlesinger I was told that it is a first in any council that a structural report from an Engineer gets overruled by an Arborist report.

Mr Reynolds discredits the Roof report conducted by Robert Cogland, a roofing consultant for Guild Insurance. Again Mr Reynolds ignores an extraordinary amount of evidence seen in: Page 3 of the Roof report "A tile has been brokekmmmn by three branch

impacts as there are several very large trees in close proximity to the roof of this house. The breakage of the one roof tile certainly presents as one of the contributing factors for rainwater ingress onto the ceiling of the kitchen. This one broken tile would be considered as storm impact damage.”

Mr Reynolds mentions that “the Insurance Guild payment figure does not go into detail of what is actually claimed. It is inconclusive if the entire cost is a direct result of the branch breaking 1 tile. A branch fell and broke a tile which led to a flood inside the house. A very detailed Roof Report by a roofing specialist and Guild insurance payment support this very clearly.

Mr Reynolds does not believe that Medical conditions other than allergy based are grounds for tree removal as stated in the Management of Tree Protection on Private Property Policy 2015. It is true it is not mentioned in the policy but perhaps the policy should be corrected to include Mental health when well documented - in this case with a clinical psychologist. I find it heartbreaking that Bayside Council can turn such a blind eye to someone that is living under a tree that has caused issues because it provides greater amenity to the street.

Trimming the trees has always been advised by council to reduce risk. However it is not future risk that is questioned here but the already present damage caused to both dwellings, myself and my family. Furthermore regarding the trimming of trees Bayside council seems to have a double standard:

In 2015 two large Spotted Gum trees were removed across the road from the Veterinary Hospital. Not because they were diseased or dead. They were both healthy beautiful trees that provided great amenity to the area. These two gum trees were known to drop branches on top of cars parked in the train car park. Most of the staff from the Veterinary Hospital refused to park under these trees because of the risk of random branches falling. Council's solution to this was not to trim the trees but to remove them and replace them with other trees that had less public liability.

13th December 2021, Miss Gwendalyn Thorburn was driving her Toyota past 26 Abbott street, when a large branch from the Gum tree from my nature strip fell on her car. This tree is Council responsibility and has been trimmed since. This episode is documented with photo evidence. During the episode I contacted Mr. Pat Dunne regarding my concerns about these gum trees and he was concerned to get the tree that had been trimmed earlier trimmed again. If the tree had caused serious health injuries to Miss Gwendalyn instead of her property (Car) would the tree be removed or trimmed?

Photographic evidence attached for reference.

Should the amenity to the area provided by the trees be more important than the purpose of the land where the trees live? In this case residential and commercial (workplace). Council Arborist Mark Reynolds, reports that the trees are healthy and they provide a high amenity to the area, and using the Quantified Tree Risk Assessment (QTRA) classify the risk as moderate to low for branch failure. Mike Elison is the arborist that developed the Quantified Tree Risk Assessment (QTRA) used by this council and all councils in Australia. In his words “Tree safety management is a matter of limiting the risk of significant harm from tree failure whilst maintaining the benefits conferred by trees. Although it may seem counter intuitive, the condition of trees should not be the first consideration. Instead, tree managers should first consider the usage of land upon which trees stand and this in turn will inform the process of assessing trees.”

<https://treenet.org/resource/what-is-tree-failure-risk-assessment/>

#### Conclusions:

Council and Council Arborist are conducting Risk techniques (QTRA) for future occurrences of limb failure but ignoring that the limb failures and damage to dwellings have already happened in 26 Abbott Street.

The trees are broadly accepted to be healthy and provide amenity to the council and local area. However the trees are in the property where I live and work. Large branches have failed causing damage and their roots have caused structural damage. It is not the risk it poses, it is the already present damage caused.

Council refuses to give a permit to remove the trees despite meeting the requirements of the Management of Tree Protection on Private Property Policy 2015.

Given our concerns about the safety and wellbeing of my family and neighbours, I have sought legal advice. Please see a letter from my solicitor indicating that we will be holding the Bayside City Council responsible and liable for future personal injury and property damage.

Our preference is for the original advice to be taken in consideration and enable the removal of both trees.

Yours sincerely,

Dr Adam Marques

Item 4.5 3/14 Mary Avenue, Highett		Objector (O) Support (S) Applicant (A)
1.	Ms Kim Moi Ng	(O)
<p><b>Objector's Name:</b> Ms Kim Moi Ng, Unit 2/10-14 Mary Avenue, Highett 3190.</p> <p>I thank the Committee for this opportunity to submit a written statement and hereby, address the points made in the recommendation report:</p> <p><b>6.1 Neighbourhood Character</b></p> <p>The report indicated that “ <i>the proposal will utilise vertical cladding which will provide articulation and differentiate it from the existing dwelling. These design elements allow it to appropriately respond to the character of the residential area..</i>” and the “<i>..extension is sufficiently recessed to ensure that it is not dominating in appearance or out of place with the existing units.</i>”</p> <p>I wish to emphasize that Unit 3 is located in the body corporate block of 7 units, all single-storey, built around 1997, brick houses, with exterior orange-red coloured brickwork (except for Unit 7). The proposed cladding material (as advised by a building designer I consulted) will be in contrast to the existing brickwork look and also, the cladding colour is paperbark, a light sandy shade, which will <u>not</u> be blending in with the existing look and colour blend of the units, and therefore, does NOT respond to, and respect the character of the existing residential block. The report also mentioned that the extension will be “<i>..absorbed into existing character context..</i>” because there is a double-storey office building seen at the rear of the proposed extension – this is irrelevant as the priority should be on retaining the neighbourhood character of the existing body corporate block of units, firstly and then, to the surrounding residential dwellings. The extension WILL be dominating in appearance and out of place with existing units, when seen from my back courtyard/driveway, other units on the west side and from the street. The proposed extension will unreasonably impact the neighbourhood character of the area in terms of additional <b>visual bulk</b> and most importantly, detrimental to the aesthetic aspect of the whole block of units.</p> <p>I am also noting these references from the <a href="#">Bayside Planning Scheme</a>:</p> <p><b>Residential development strategies - “<i>... to respect the character of Highett’s established residential areas.</i>”</b></p> <p><b>Objectives:</b> “<i>... to ensure that development responds to the preferred neighbourhood character.</i>”</p> <ul style="list-style-type: none"> <li>• <i>To support discretionary uses in residential areas that serve a local need and do not adversely affect residential amenity.</i></li> <li>• <b><i>Encourage use and development that respects the prevailing built form, scale and materials and finishes of <u>surrounding buildings</u> and responds to the preferred neighbourhood character.</i></b></li> <li>• <i>Encourage the retention of an existing dwelling.”</i></li> </ul> <p><b>6.2 Considerations - Clause 54 (ResCode)</b></p>		

There is **non-compliance with Standard A10** – there is no setback on the East and South sides, just a sheer interface to adjoining properties – report noted that while this is not normally an acceptable outcome, it is considered acceptable, based on the adjoining zone and land use etc. However, what if the surrounding zoning/land use changes in the future, to residential zones? The extension would definitely be non-compliant then, and thereby, future implications should be considered. The sheer interfaces WILL be an issue of visual amenity for all residents in the vicinity, and, not blend in with the look of the block of units, especially. In any case, the proposed extension does not comply with this standard.

There is **non-compliance with Standard A11** – proposed maximum and average heights are above the requirements for both East and South sides. Again, the report said this will not impact on amenity or character of the area due to the same reasons about the zones. I wish to note here, that the report focuses only on amenity impacts on Zoned areas where there are no residential properties and therefore no objectors to the proposed extension, whereas it should be addressing impacts on the existing residential dwellings in and around the 14 Mary Avenue site and the objectors' concerns. The proposed sheer walls will detract from the character of the area and again, this is a non-compliance.

**Overlooking (Standard A15) – this is another non-compliance, the most detrimental impact of the proposed extension.**

The report indicated that there is not enough information on the plans submitted regarding the height of the windows or sightlines to demonstrate no unreasonable overlooking. I wish to re-iterate points from my original objection:

- The extension has **2 windows (North facing)**, which will overlook my open back courtyard, kitchen/meals area and my lounge, so there is substantial **impingement upon my privacy** in many areas of my property. These areas are where I entertain and have private activities, so this loss of privacy will be totally devastating to me.
  - **If extension is approved at all:** skylights should be considered instead wherever possible, or the North-facing windows, must be high-placed/**permanently frosted/obscure-glazed type**, and also permanently fixed, NOT openable, as the plan indicated. Fixed, permanent privacy screens must be used, as the report recommended.
  - Even the West-facing windows overlook my property, as the line of sight is over my courtyard, dining area and my lounge room – these WEST windows must not be openable either, as the line of sight can be extended further, compared to fixed windows. **These windows should also be permanently fixed and frosted.**
- The proposed site plan (sheet 1) does NOT indicate the back courtyard/rear windows of Units 1 and 7, which are also in the line of sight from the **West-facing** windows - these windows will overlook garages and/or open spaces of other owners - the extension will have a “watch-tower”

appearance being located in the rear, south-east corner - thereby impinging upon the privacy of other unit owners as well.

If the permit is granted, I request that the Overlooking condition mentioned in the recommendation be fully complied with and include my specific requests for high-placed, permanently frosted and fixed windows.

### 6.5 Objector issues not addressed

I was disappointed to read that **breaches** of Owners Corporation Act 2006 and the Model Regulations were not part of the Planning consideration. In any case, I wish to highlight the following:

The applicant is a lot owner of the Owners Corporate Plan: **PS4051705 at 10-14 Mary Avenue**, and **all** owners have a legal and financial responsibility to abide by abovementioned regulations. The report indicated that “.. the proposed works are on a single title.. ” – this is not in dispute, but as per the Regulations, the applicant **must give prior notice** of any planning permit application, **must** give written notice for any changes affecting the insurance premiums of the owners corporation, **must** obtain approval before making changes that change the external appearance of the lot and **notify** of any works affecting the common property (please refer to regulations in REFERENCES below).

- **(Point 6.5 Due process/notification)**, noted that “... *the Owners Corp were notified as part of the Council’s public notification period.*” This is not acceptable. Our objection was that no formal notice (from the lot owner) was ever provided to our Owners corporation either prior or after the application was submitted on 15 Sept 2021. This is a breach of Owners Corp Act 2006.

I reiterate that according to the Bayside council website regarding **‘Owners corporations and planning permits’** it states that “*Where the application relates to your property only and not common property, you must complete and submit a declaration that you have notified the owner corporation*” – but there was no compliance to this requirement, as no such declaration form was included in the application.

The Council website also indicates, that “ *... An owners corporation can object to the permit application. We are required to consider these objections alongside any other objections received as part of the application process.*”

- It is noted that the applicant declined to have a consultation meeting. I wish to inform that when all owners were finally aware of this permit application (after it was submitted), the applicants were invited to subsequent body corporate meetings to discuss the permit issues. However, they did not attend any of these meetings, and no informal consultations were forthcoming either. If this permit is granted, it will be very difficult for the objectors/other owners to subsequently resolve any matters in Owners Corporation meetings (e.g. discuss construction works affecting common property), especially if we do not have majority vote, and the applicants are not willing to engage with the concerned owners. Please understand the unfortunate circumstances of our Owners Corporation, and consider that there are serious implications down the track, if the permit is granted.
- **Precedent** - as indicated in my objection, approval of the extension **would set a precedent for other owners**, impacting all owners and ultimately causing overall disruptions to the peace and quiet of the block again. There is already a lot of tension among other owners, as it is, and any future conflicts would be very disruptive.

The report says that “future planning permits will be assessed at the time of assessment and setting undesirable precedent cannot be substantiated” – It is important to note that Units 4 and 5 are adjoining units with a shared wall, so it is already most certain that neither unit can extend anyway, unless the other owner agrees. If I or future Unit 2 owners, decide to apply for 1<sup>st</sup> floor extension, and since I am one of the front North-facing units, there will be similar issues of overlooking, overshadowing – **including overshadowing impact on solar panels in other units**, etc; so to be fair to all other owners, there should be NO precedent for any double-storey extensions in our block, in the first place. Once one unit is allowed to extend, it may be impossible for our Owners Corporation to pass any special resolutions to prevent any future extensions/major works in our block, if we so decide. My objection relates to the undesirable disruptions that would definitely arise, with more extensions.

- **Traffic/parking** - I am concerned more about future implications of other development around Highett and impact of increased traffic overflow, traffic safety and parking issues around Mary Avenue and Middleton street. If the extension is approved and if more extensions follow in the block of units, future increase of residents and visitors will increase traffic flow and parking in the residential street and increase usage of driveway areas in our block, resulting in more noise and safety issues. At the moment, our main access to the block is a narrow, curved driveway, with limited access for only one vehicle at a time, and safety is an issue with owners having to reverse or make 3-point turns so that owners can access the garages of 6 units. The 1-hour parking limit on Mary Avenue, which was introduced to limit parking by customers and staff at the commercial areas next door, already limits the number of visitor parking available on the street.

In closing, I wish to say I am a senior resident, having lived in Highett for 20 years and enjoy the wonderful Bayside area of beaches and parks. I am grateful for the various community services and participate in many community activities. I hope to continue living in Bayside and enjoy my retirement years here. I bought my unit specifically because I wanted to live in a single-storey house – and with the understanding that there would not be any multi-storey development in the block. Therefore, I hope the Committee understands how strongly I feel about this objection.

I respectfully hope the Committee will consider all points raised by me and the other objectors and refuse this permit application.

Thank you.

Sincerely,

Ms Kim Moi Ng,

Date: 8 Apr 2022

#### **REFERENCES:**

##### **OWNERS CORPORATIONS ACT 2006:**

**Reference: 133 Notice of planning and building applications and plans of subdivision**

*A lot owner must give notice to the owners corporation of any application by the lot owner for a building permit or planning permit or the certification of a plan of subdivision affecting the lot.*

##### **MODEL REGULATIONS**

##### **Reference: 5 Lots**

###### **5.1 Change of use of lots**

*An owner or occupier of a lot must give written notification to the owners corporation if the owner or occupier changes the existing use of the lot in a way that will affect **the insurance premiums** for the owners corporation.*

###### **5.2 External appearance of lots**

*(1) An owner or occupier of a lot must obtain the written approval of the owners corporation before making any changes to the external appearance of their lot.*

(2) An owners corporation cannot unreasonably withhold approval, but may give approval subject to reasonable conditions to protect quiet enjoyment of other lot owners, structural integrity or the value of other lots and/or common property.

### **5.3 Requiring notice to the owners corporation of renovations to lots**

An owner or occupier of a lot must notify the owners corporation when undertaking any renovations or other works that may affect the common property and/or other lot owners' or occupiers' enjoyment of the common property.

Item 4.6 26-28 Crisp Street, Hampton		Objector (O) Support (S) Applicant (A)
1.	Mr James Hodges	(O)
<b>OBJECTION TO PROPOSED DEVELOPMENT AT 26 – 28 CRISP STREET HAMPTON</b>		
<p>We draw your attention to the following issues and concerns:-</p> <ol style="list-style-type: none"> <li>1. The Crisp Street parking load in this proposal is based on theoretical numbers, we are concerned that no one has physically looked at the parking situation (or lack of) in this location. Existing developments have already substantially increased the demand for parking, plus with Council time limits for parking around the Hampton Station and Hampton Street, both commuters and shoppers park in this part of Crisp Street to avoid the time restricted parking areas. Theoretical averages are one thing but the reality is that developments near railway stations do not reduce the number of vehicles per household. No matter how many carparks the development provides many people will street park simply because they will take the easier option - especially if they have tandem or stacker parking. Looking at the area of Crisp Street between Gillies and Deakin Streets on any given day - other than holidays - there are very limited spots, if any. Add to this residents from surrounding streets parking their boats, trailers, trucks and spare vehicles in this part of the street (permanently and semi permanently.) Add visitor parking to the mix and there is cause for concern. There does not appear to be provision for visitor parking in the development plans.</li> <li>2. How does the design cater for noise percussion and reverberation generated from passing train noise bouncing off this structure's west elevation? Especially the train horn noise which will be echoed by the position of this structure. This will impact all neighbouring properties either side of the train line. (There is already a petition circulating to Government in regards to train horn noise at the moment.) <ol style="list-style-type: none"> <li>a. Train horns – City bound Linacre Road Xing and Crisp Street Pedestrian Xing</li> <li>b. Train horns – Sandringham bound Crisp Street Pedestrian Xing and Linacre Road crossing</li> </ol> (Every journey 7 days a week, day and night) </li> <li>3. Potentially unacceptable levels of reflection from large North facing windows and impact on neighbouring properties to the North of this development. Also, potentially unacceptable reflection from the solar panels on the roof. Significant reflection is unacceptable.</li> <li>4. There does not appear to be any overlooking information for the frontage on Crisp Street towards 21 and 23 Crisp Street. What is the overlooking from the proposed development?</li> <li>5. We request no demolition of any existing street trees, in fact, additional street trees would be needed to break up the significant facade of this development. Demolition of any trees would also impact the local indigenous birds which nest and feed in the trees in this area.  The increasing loss of Hampton greenery should require the planting of mature trees and bushes - not just 30cm seedlings.</li> <li>6. The noise from the plant equipment and air conditioning units on the roof needs to be contained and units visually hidden.</li> <li>7. The size and number of units in this development is also of concern. Surely there is already sufficient development in this section of Crisp Street, Hampton. There are 113</li> </ol>		

dwellings accommodating at least 354 people in approximately this 250 metre stretch of Crisp Street and there are ten (10) units in recent developments still not sold. Council has also already approved a further three (3) significant developments within 200 metres of this proposed site. At some point the level of people living in this small area will affect the amenities of those already living here – and not only from a parking perspective.

8. If the solar panels are estimated to contribute 21% of the required power for this development, what is the impact of drawing the remaining 79% from the electricity grid on the existing infrastructure (sub station)? If the existing infrastructure outside 23 Crisp St is impacted then the entire infrastructure should be relocated underground, onsite at 26 – 28 Crisp Street or to a neutral area that does not impact any residences.
- 7 We would hope there is more care and attention to detail taken in the design and construction than in this submission which shows “view from Heidelberg Road (Looking South)- Looking North at Subject site.” A cut and paste submission should ring some alarm bells.

**OBJECTION TO PROPOSED DEVELOPMENT AT 26 – 28 CRISP STREET HAMPTON**

We draw your attention to the following issues and concerns:-

1. The Crisp Street parking load in this proposal is based on theoretical numbers, we are concerned that no one has physically looked at the parking situation (or lack of) in this location. Existing developments have already substantially increased the demand for parking, plus with Council time limits for parking around the Hampton Station and Hampton Street, both commuters and shoppers park in this part of Crisp Street to avoid the time restricted parking areas. Theoretical averages are one thing but the reality is that developments near railway stations do not reduce the number of vehicles per household. No matter how many carparks the development provides many people will street park simply because they will take the easier option - especially if they have tandem or stacker parking. Looking at the area of Crisp Street between Gillies and Deakin Streets on any given day - other than holidays - there are very limited spots, if any. Add to this residents from surrounding streets parking their boats, trailers, trucks and spare vehicles in this part of the street (permanently and semi permanently.)  
Add visitor parking to the mix and there is cause for concern. There does not appear to be provision for visitor parking in the development plans.
2. How does the design cater for noise percussion and reverberation generated from passing train noise bouncing off this structure's west elevation? Especially the train horn noise which will be echoed by the position of this structure. This will impact all neighbouring properties either side of the train line. (There is already a petition circulating to Government in regards to train horn noise at the moment.)
  - a. Train horns – City bound Linacre Road Xing and Crisp Street Pedestrian Xing
  - b. Train horns – Sandringham bound Crisp Street Pedestrian Xing and Linacre Road crossing
 (Every journey 7 days a week, day and night)
3. Potentially unacceptable levels of reflection from large North facing windows and impact on neighbouring properties to the North of this development. Also, potentially unacceptable reflection from the solar panels on the roof. Significant reflection is unacceptable.
4. There does not appear to be any overlooking information for the frontage on Crisp Street towards 21 and 23 Crisp Street. What is the overlooking from the proposed development?
5. We request no demolition of any existing street trees, in fact, additional street trees would be needed to break up the significant facade of this development. Demolition of any trees would also impact the local indigenous birds which nest and feed in the trees in this area.  
  
The increasing loss of Hampton greenery should require the planting of mature trees and bushes - not just 30cm seedlings.
6. The noise from the plant equipment and air conditioning units on the roof needs to be contained and units visually hidden.
7. The size and number of units in this development is also of concern. Surely there is already sufficient development in this section of Crisp Street, Hampton. There are 113 dwellings accommodating at least 354 people in approximately this 250 metre stretch of Crisp Street and there are ten (10) units in recent developments still not sold. Council has also already approved a further three (3) significant developments within 200 metres of

this proposed site. At some point the level of people living in this small area will affect the amenities of those already living here – and not only from a parking perspective.

8. If the solar panels are estimated to contribute 21% of the required power for this development, what is the impact of drawing the remaining 79% from the electricity grid on the existing infrastructure (sub station)? If the existing infrastructure outside 23 Crisp St is impacted then the entire infrastructure should be relocated underground, onsite at 26 – 28 Crisp Street or to a neutral area that does not impact any residences.
- 8 We would hope there is more care and attention to detail taken in the design and construction than in this submission which shows “view from Heidelberg Road (Looking South)- Looking North at Subject site.” A cut and paste submission should ring some alarm bells.

Item 4.7 25 Mary Avenue, Highett	Objector (O) Support (S) Applicant (A)
1. Mr Peter Wright	(A)
<p>Planning &amp; Amenity Delegated committee meeting-12 April 2022 Bayside City Council</p> <p>Re:25 Mary AVenue Highett Notice of Decision to grant a permit: Application : 2021/61/1</p> <p>We agree with the planners's recommendation to support the application. We are agreeable to the conditions as outlined in the report ( 1 -25 ).</p> <p>As a result of our consultation meeting:</p> <ol style="list-style-type: none"> <li>1. We modified the setbacks to the first floor,</li> <li>2. amended the garage to a carport for the north side</li> <li>3. redesigned the first floors to accommodate the objectors concerns.</li> <li>4. On this basis the objector to the north side has withdrawn his objection.</li> <li>5. The properties opposite in Mary Avenue and Middleton street, are zoned commercial, and on that basis our design solution in our opinion ia appropriate for the area.</li> </ol> <p>WRT Clause 55, we comply in all clauses except for minor non compliance in</p> <p>a: B6 ( Street setback in mary Avenue of 6.9 - 7.2 in lieu of 8.6 )</p> <p>b: B17 First floor setback. West side 3.92,4.2,5.65 and 6,.06 in lieu of 3.95,3.96 &amp; 4.26. North side 4.1 &amp; 4.85 in lieu of 4.74 and 4.92.</p> <p>c: The fence height ot Mary Avenue to be 1.8 in lieu of 1.2. This is to assist with the privacy of the POS for unit 3.</p> <p>On the basis of our updated design and the planners recommendation to support the application we request that council approve the development in accordance with the conditions 1-25.</p> <p>regards</p> <p>Peter Wright AIA Director Peter Wright &amp; Associates PL</p>	

Item 4.9 8 and 10 Linacre Road, Hampton		Objector (O) Support (S) Applicant (A)
1.	Mr Ian and Mrs Julie Spence	(O)
<p>I live at 7 Alicia St directly behind the proposed development at 8-10 Linacre Rd. I greatly enjoy &amp; appreciate the quiet residential ambience of the area.</p> <p>I have reviewed the information on the Bayside Council website for the proposed development at 8-10 Linacre Rd (No.5/2021/331/1) and wish to object to the granting of a planning permit for this site on the following grounds:</p> <p><b>EXCESSIVE VISUAL BULK AND HEIGHT.</b> The visual bulk and height of the proposed development are excessive &amp; not sympathetic to the existing residential neighbourhood. Residents should not have to be confronted with a harsh, bulky, over developed &amp; over-bearing facade that does nothing to preserve or reflect the existing “neighbourhood character” (as per Bayside planning guidelines). The elevated nature of the development &amp; lack of screening to the west &amp; south exacerbates these problems for residents of Alicia St adjacent to the proposed development.</p> <p><b>LOSS OF PRIVACY.</b> The proposed development overlooks the north facing living and private open space of our neighbours at 5 and 7A Alicia St. It also overlooks the living areas of our property at 7 Alicia St. Although we are more than 9 meters from the development it will be possible to clearly see into our private areas of our house from the apartments on the upper levels of the development. We find this unacceptable.</p> <p><b>INCREASED TRAFFIC CONGESTION.</b> During the morning &amp; evening peaks traffic in Linacre Rd is already very heavy. The proposed development will put over 100 additional vehicles onto Linacre Rd during the peaks. Taken in conjunction with additional traffic for other planned and/or approved high density projects in Linacre Rd this development is likely to lead to heavy &amp; potentially dangerous traffic congestion in Linacre Rd, particularly at the busy intersection with Hampton St.</p> <p><b>INSUFFICIENT CAR PARKING.</b> The proposal provides insufficient off-street parking for residents, practitioners &amp; clients. Parking spaces for 104 cars is inadequate for a development of this size. The proposed development will significantly increase the number of cars needing to park on Linacre Rd &amp; the surrounding streets. Visitor &amp; patient parking will spill into surrounding streets, especially Alicia St, resulting in reduced amenity for residents. Parking is already difficult near the development due to the parking demands of Linacre Hospital &amp; Hampton station. This project will make it much worse for existing residents, visitors &amp; hospital patients. We are already seeing hospital parking overflow into Hampton St and the western end of Alicia St. We expect these parking problems to be significantly exacerbated by the proposed development.</p> <p><b>EXCESSIVE NOISE FROM ROOF MOUNTED HEATING &amp; COOLING.</b> I am concerned that the placement of air conditioning units on the roof of the development will create intrusive noise pollution in our private outdoor area, particularly over summer. It appears that the appropriate noise reduction measures have not been taken in the proposed plans. (The location &amp; nature of such equipment unclear on the plans provided.)</p>		

**DETRIMENTAL IMPACT ON NEIGHBOURHOOD AMENITY:**

I believe the proposed development will adversely & significantly impact the amenity of existing residents in Linacre Rd & surrounding streets, especially Alicia St.

**NOT IN CHARACTER.**

The proposed development is inconsistent with the existing medium density residential streetscape of Linacre Rd & the preferred future character of the neighbourhood. The development has insufficient separation between it & neighbouring buildings whilst providing little space for substantial vegetation to achieve any effective separation.

**PRECEDENT FOR FUTURE OUT OF CHARACTER DEVELOPMENTS.**

The proposed development at 8-10 Linacre Rd should not be allowed to proceed in its current form. It sets a dangerous precedent for future inappropriate, oversized developments, reduces the amenity of our neighbourhood, & fails to live up to the aspirations Bayside planning scheme.

We respectfully request that the planning permit be rejected.

Ian & Julie Spence

<b>2.</b>	<b>Mr Michael Vanderheide</b>	<b>(O)</b>
<p>I am writing in advance of the Planning and Amenities meeting next week to raise my concern related to the development proposed at 8 &amp; 10 Linacre Road in Hampton. I note that the Council's Planning Department has recommended that the Council approve the proposal, though there appear to be elements of the proposal that do not meet standards set out in planning requirements. More significantly however, this is another example of a developer seeing the 60% maximum land use set out in the planning requirements as a target to aspire to (and in this case surpass by 1%). Like the proposal for Service Street, which Councillors did not support despite the recommendation by the Planning Department, this proposal represents a gross overdevelopment of the land, particularly on what is a residential street just inside of the boundary of the Hampton Activity Centre. It fills the block from one side to the other, dominating the homes around it as well as the small hospital to it's east. A building of this scale will have a significantly negative impact on neighbourhood character and it does not belong on Linacre Road. I would strongly advocate that you reject the application to build it.</p>		

Dear Sir,

I live at 4/32 Linacre Rd, just down the road from the proposed development at 8-10 Linacre Rd. I greatly enjoy & appreciate the quiet residential ambience of the area.

I have reviewed the information on the Bayside Council website for the proposed development at 8-10 Linacre Rd (No.5/2021/331/1) and wish to object to the granting of a planning permit for this site on the following grounds:

#### EXCESSIVE VISUAL BULK AND HEIGHT.

The visual bulk and height of the proposed development are excessive & not sympathetic to the existing residential neighbourhood. Residents should not have to be confronted with a harsh, bulky, over developed & over-bearing facade that does nothing to preserve or reflect the existing "neighbourhood character" (as per Bayside planning guidelines). The elevated nature of the development & lack of screening to the west & south exacerbates these problems for residents of Alicia St close to the proposed development.

#### TRAFFIC CONGESTION.

During the morning & evening peaks traffic in Linacre Rd is already very heavy. The proposed development will put over 100 additional vehicles onto Linacre Rd during the peaks. Taken in conjunction with additional traffic for other planned and/or approved high density projects in Linacre Rd this development is likely to lead to heavy & potentially dangerous traffic congestion in Linacre Rd, particularly at the busy intersection with Hampton St.

#### INSUFFICIENT CAR PARKING.

The proposal provides insufficient off-street parking for residents, practitioners & clients. Parking spaces for 104 cars is inadequate for a development of this size. The proposed development will significantly increase the number of cars needing to park on Linacre Rd & the surrounding streets. Visitor & patient parking will spill into surrounding streets, especially Alicia St, resulting in reduced amenity for residents. Parking is already difficult near the development due to the parking demands of Linacre Hospital & Hampton station. This project will make it much worse for existing residents, visitors & hospital patients. We are already seeing hospital parking overflow near our home and convenient parking can be difficult to come by. We expect these parking problems to be significantly exacerbated by the proposed development.

#### NOT IN CHARACTER.

The proposed development is inconsistent with the existing medium density residential streetscape of Linacre Rd & the preferred future character of the neighbourhood. The development has insufficient separation between it & neighbouring buildings whilst providing little space for substantial vegetation to achieve any effective separation.

#### PRECEDENT FOR FUTURE OUT OF CHARACTER DEVELOPMENTS.

The proposed development at 8-10 Linacre Rd should not be allowed to proceed in its current form. It sets a dangerous precedent for future inappropriate, oversized developments, reduces the amenity of our neighbourhood, & fails to live up to the aspirations Bayside planning scheme. I respectfully request that the planning permit be rejected.

Regards,  
Emily Spence



<b>4</b>	<b>Dr Rebecca Vanderheide</b>	<b>(O)</b>
<p>The proposed development represents a gross overdevelopment of the site. Both Council and VCAT recently rejected a proposal on Service Street for a similar number of apartments (and without the inclusion of medical suites) on a block of land that is much larger than that of the combined 8 &amp; 10 Linacre. Thirty-five apartments over top of a number of medical suites are far too many for this site. Moreover, an element of the neighbourhood character of Linacre is the rising height of the land. A large hill will need to be removed (and then a two-level basement car park dug) to enable the development to proceed as planned. Replacing a natural hill topped by a single house with what, from the street, will be a 4 level structure will have a significant negative impact on the character of this end of Linacre Road. A negative impact on the neighbourhood character in close proximity to my residence has an impact on my family personally given the lessening of amenity associated with the area.</p> <p>As well, the apartments planned for the back of the top storey of the proposed development will look directly into our master bedroom and onto the balcony that surrounds it, including into our outdoor bath which is currently screened from neighbours for privacy.</p>		

5.	<b>Mr Tony Batt (on behalf of Hampton Neighbourhood Association)</b>	<b>(O)</b>
----	--	------------

Objection to 8 - 10 Linacre Rd Planning Submission – 5/2021/331/1

The Hampton Neighbourhood Association (HNA) Committee have reviewed the planning submission for the 8 – 10 Linacre road planning approval and the Council Officers recommendation for approval and provide our objection to the 12 April Planning Meeting with the following reasons;

We note that the development is a very large high density medical and residential facility on 2,415 sqm in precinct E with 2 levels of car park and 1 level of part subterranean and part ground level with 8 x medical suites. Above the medical suites there are three floors of units with 24 x 2 bedroom and 11 x 3 bedroom.

We also note that the development is compliant with meeting some of the Council DDO requirements and meeting some of Plan Melbourne requirements. However, unlike the Reunion Place development nearby that the HNA supported, there are some significant areas of concern that we would like to raise that renders the proposal sub-par and that are either part or non-compliant or troubling to neighbours and the community as follows;

1. The new development does not sit well with the existing neighbourhood character being of modern coloured concrete and metal clad soffits and of significant size and a very wide frontage.
2. Setbacks on the east facade are not compliant.
3. Some of the southern apartments have poor levels of natural light and some apartments living areas do not meet the minimum dimensions, and some apartments do not have effective natural ventilation.
4. Neighbours are impacted by overshadowing to some extent.
5. Overlooking is also seen as an issue for some of the neighbours.
6. There is only one internal stair and in an emergency of a fire or similar and the fire/issue was in or blocking the stairwell, residents would need to rely on external rescue or jumping from height.
7. The medical centre is part underground with no light to one of the suites and the reception and has limited light to many of the others
8. With the medical centres 26 car parks and 78 residential car parks, this will generate significant additional traffic to Linacre Rd especially the constant movement with medical appointments. Assuming 4 to 6 appointments per hour x 8 suites, this generates one car movement every 30 seconds to less than a minute or so during the day and evening.
9. The carpark exit viewing for vehicles coming up and out of the car park is not great and is likely to lead to pedestrian vehicular serious incidents leading to the risk of serious injury or death. No traffic report provided to support the development or these safety issues.
10. The BESS rating although just in the best practice range at 57% could have been significantly higher if more solar and water retention measures were included and better management practices were employed which is expected for this type of development.
11. The proposal does not clarify how it will prevent mechanical or lift or other equipment noise from impacting the neighbours.

This developer has not communicated with the objectors and has not submitted a complying application in several significant and troubling areas unlike many of the recent developments such as Reunion Place nearby and the Hampton Hill project.

We therefore believe that unless the developer can make the changes required to address all the above significant concerns, that this proposal should be rejected by Councillors.

Regards

Tony Batt  
President HNA

<b>6.</b>	<b>Ms Loredana Cook</b>	<b>(O)</b>
<p>This proposed development site covers 2,415 square metre across two residential building blocks which is 61 percent of site coverage. This results in unreasonable building bulk impacts (visual, shadowing, overlooking, etc) specifically in relation to the Linacre Road, Hampton frontage and the adjoining properties on Alicia Street, Hampton.</p> <p>The proposal will also increase traffic and parking in Linacre Road, Hampton will be significant. The street already has a high peak hour demand and we have witnessed a number of near misses at the cross intersection at Linacre Road and Hampton Street.</p>		

7.	<b>Mr Robert and Mrs Jennifer Beattie</b>	<b>(O)</b>
----	---	------------

Dear Mr Cripps,

We are the owners of No 4 Alicia Street. Hampton

We have previously lodged an online objection to this application and wish to object to Council granting the application for a planning permit at the above site.

We are concerned that the development is;

- Out of character with the general nature of the street.
- Represents an over development of the site,
- The visual bulk of the proposed development is inconsistent with other properties.
- The medical centre will generate additional traffic in the street
- The property is overlooking neighbouring and nearby properties.
- There appears to be inadequate landscaping further degrading the natural environment of the area.

We believe that there are aspects of this proposal that should be rectified before any permit is issued by Bayside Council.

Yours Sincerely,  
Robert Beattie  
Jennifer Beattie

8.	Mr Alan White	(O)
<p>Reasons for objection or support</p> <p>1. OVERDEVELOPMENT  Base for Comparison: Piper development 28-30 Linacre Rd - 23 apartments; land area 1,953 sqm.  5/2021/331/1: 35 apartments; land area 2,415 sqm.</p> <p>2. Storeys above ground: 4+ (accounting for lower &amp; upper ground floors). DA accounts for 3 stories above ground.</p> <p>3. OVERSHADOWING:  Base for Comparison: Piper development overshadows 29 Alicia St.  5/2021/331/1 will overshadow 2/3, 5, 7a Alicia St &amp; 6 Linacre Rd resulting in reduced amenity.</p> <p>4. VISUAL PRIVACY:  Affecting: 2/3, 5, 7a Alicia St &amp; 6 Linacre Rd.  5/2021/331/1: Second floor apartment balconies on the south facade overlook neighbouring residences in Alicia St. There appears to be no balcony screening to block overlooking.</p> <p>5. MASS:  Properties to the south &amp; west of 5/2021/331/1 will be confronted with a visual mass impacting their desirability, amenity and inherent value.</p> <p>6. SOUTH FACADE - WINDOWS:  DA is no longer cognisant of the situation at 5 Alicia St.</p> <p>7. NOISE:  5/2021/331/1 introduces noise from elevated balconies and living areas.</p> <p>8. STREET PARKING - Linacre Rd:  Proximate street parking is dominated by staff and visitors to Linacre Private Hospital.  5/2021/331/1 will contribute to an already difficult situation.</p> <p>9. COMMUNITY INTEREST:  5/2021/331/1 does not directly impact on my property. However, the Alicia St community is an active social entity that embraces the interests and welfare of all residents.</p> <p>Sincerely,</p> <p>Alan White</p>		

10<sup>th</sup> April, 2022

Objection to Bayside City Council Planning Application No. 5/2021/331/1

**800kg of Food Waste per Year**

During the 20 or so years our kids were growing up we composted over 800kg of food waste per year, our daughter had 5 chooks, we had "Renault" the dog (a poodle who is now buried under the lemon tree), we grow lemons, limes, and mandarins that make fantastic marmalade, and mulberries, and we have put many truckloads of mulch over our back and front yards to develop the soil to grow natives for our bees and vegetables for our kitchen. Our house at No. 5 Alicia Street was built in 1914 and has served us well as our home for the past 30 years. We have enjoyed living here and look forward to continuing to enjoy gardening through retirement and have our home for family, friends and neighbours to visit, share and enjoy.



*Current view from the living room window toward the north from the rear of 5 Alicia Street.*

8 Linacre Road abuts the rear of our property to the north and 10 Linacre stands to the north east of the rear of our property.

The proposed construction (development) on 8 – 10 Linacre Road which is the subject of Bayside City Council Planning Permit Application No. 5/2021/331/1 is

- large,
- visually bulky,
- imposing,
- intrusive
- architecturally and visually poor.

10<sup>th</sup> April, 2022

Objection to Bayside City Council Planning Application No. 5/2021/331/1

Our neighbourhood is typified by leafy treed areas with houses from historic weatherboard and brick homes through the decades to more modern structures that have been, for the most part, designed to be sympathetic with the neighbourhood character.

The proposed construction at 8 – 10 Linacre is so large and bulky that the rear of it will be visible from Alicia Street beyond our house. Its concrete, metal cladding and glass southern façade does not at all fit with this neighbourhood's character.

The design of concrete, metal cladding and glass is aesthetically severe. The landscaping at the sides and rear is minimal and due to shading (particularly at the rear) will not grow to maturity, taking at least 15 years if ever. (There will also be a temptation to trim the trees to preserve bay views.) As a result, it is unrealistic that the landscaping will ever enhance the building's appearance. Further to this, we do not understand why a building should need trees to mask its ugly appearance in the first place. A well-designed building should be a pleasure to look at in its own right without the need for trees to cover its façade. The addition of trees should then enhance the structure (not mask it). This proposal has missed the point in so many ways.

At night time, lighting from the building will flood our backyard and in through our rear living area windows. Noise from the apartments will penetrate ours and the surrounding homes. The proposed building will dominate our back yard. Please see the picture below which shows what the proposed structure will look like from our living room window if its construction proceeds.

There are many anomalies and omissions in the drawings submitted in the planning application which on the surface looks like a largely compliant application.

For example, the retaining wall that runs east west along the south property boundary at the south west corner of what is now 8 Linacre Road to "lift" the building 0.76m to accommodate the "lower ground floor" as shown on north-south Section A drawing TP-021A is omitted from all of the building plan views – see drawings TP-020A, TP-027A, TP-028A, TP-100A, and TP-101A. All these views omit the retaining wall that artificially raises the natural ground level to accommodate the "proposed lower ground floor". By contrast the 3.180m high retaining wall on the east of the building which is shown in a similar north-south Section C on drawing TP-022A is included on the above listed building plan drawings – as it perhaps shows that the lower ground floor more easily fits into the eastern areas of the proposed construction.

Section drawings C and D (see drawings TP-023A and TP-024A) similarly show a retaining wall running along the western property boundary abutting No. 6 Linacre Road to lift the "upper ground level" by 0.943 metres and so accommodate the proposed lower ground floor level of the structure. This has the effect of lifting overall building and providing an additional overbearing effect on the occupants of No. 6 Linacre Road. Further to this, the retaining wall which is shown on these elevations is not shown on any of the building plan views listed above (ie drawing Nos. TP-020A, TP-027A, TP-028A, TP-100A, and TP-101A). The omission of this retaining wall from the plan views gives the impression that there is no need to lift the west side of the building to accommodate the lower and upper ground floors in the proposed building. It is a convenient omission by the preparer of the drawings and

10<sup>th</sup> April, 2022

Objection to Bayside City Council Planning Application No. 5/2021/331/1

would normally be expected to have been picked up by the drawing checker (in this case "J.A." on 24/11/21).

The north, west, south and east elevations (drawings TP-400A, TP-401A, TP-402A and TP-403A) show the lift overrun and aluminium service plant screen structures in various different locations across the elevations when compared to the drawing titled "Design Response – Proposed Site Plan", drawing TP-020A. It is unknown as to whether this is an error or deliberate omission.

It is unknown what other errors and omissions are included in these proposal drawings. The errors and omission examples listed above illustrate that the proposed construction is not as plainly compliant with the Planning Regulations as it may appear.

The proposed building shamelessly maximises saleable floor space by loosely working within the planning regulations yet completely works against the neighbourhood character.

Below is an image showing the dominance of the back yard of No. 5 Alicia Street by the proposed structure.



*View from the living room window toward the north from the rear of 5 Alicia Street if the proposed structure is built as shown in the planning application.*

10<sup>th</sup> April, 2022

Objection to Bayside City Council Planning Application No. 5/2021/331/1

To check where the proposed building would best be placed, we visited Tulip Street Cheltenham and saw a commercial warehouse building in a Commercial Zone that is a suitable match for the proposed structure. This is where such a building would be most suitably sited.



*View of the proposed structure as shown in the planning application super imposed into an office warehouse facility at 81 Tulip Street Cheltenham.*

At no time has the developer submitting this application offered to consult with us or other community members to discuss our concerns and how these concerns may be addressed. We find this a very uncooperative approach.

We support Bayside Council in expanding our city's population through increasing the housing density with sympathetic buildings.

Regarding Bayside Council Planning Application No. 5/2021/331/1; we respectfully request that Bayside Council rejects this planning application for the reasons discussed above.

Haydn L. Kelvy & Gabriele Buzatu  
5 Alicia Street  
Hampton 3188

10.	Mr John McInerney	(O)
<p>My family lives at 6 Linacre Road which is obviously right next door to the proposed application. I certainly share the concerns of my neighbours along Alicia Street in relation to privacy, overlooking and shading. I have four kids that will certainly feel the impact of a large number of balconies directly overlooking their backyard. My eldest two are rarely able to park near our house due to the hospital and this will only get worse. And for clarity I will have a four story building overlooking my front yard not a three story and my house is set back almost 14 metres from the street, not 6 metres like the proposed development.</p> <p>I was born in Mentone and went to school at St Bedes College. My best mate lived in Linacre Road - I thought it was the grandest street in Melbourne due to the old heritage houses and tree lined street. Then 12 years ago I was presented with the opportunity to purchase and restore one of those grand old houses - I jumped at it. With support from the council we then restored the house to its former glory.</p> <p>I have watched the west end of Linacre Road change due to the MAC. We have worked hard with council and developers over the years to ensure development was reasonable and in character - our track record demonstrates that our intention has always been considerate of the need for housing.</p> <p>However, this application makes no effort to respect the site's particular contextual features (it's on a hill) and the adjacency to numerous residential properties with sensitive interfaces. The three houses opposite and the house next door (mine) are all protected by either the National Trust or Heritage Overlays. In total there are nine heritage properties with protection within 200 metres of this development.</p> <p>I'm not sure how a four story apartment block is considered "reasonable development" for this location. I am also astounded that the developer has chosen not to engage the community at all.</p> <p>I am passionate about protecting the west end of Linacre Road - in hindsight it should have been granted a protective overlay years ago. We will fight this application to the end because, from a heritage and character perspective, it is the right thing to do.</p>		

<b>Item 4.10</b>		<b>Objector (O) Support (S) Applicant (A)</b>
<b>Unit 201-202/43 Willis Street, Hampton</b>		
<b>1.</b>	<b>Mr Tony Shepherd (on behalf of Hampton Neighbourhood Association)</b>	<b>(O)</b>
<p>Agenda Item 4.10: Units 201-202/43 Willis Street Hampton: Submission on behalf of Hampton Neighbourhood Association (HNA)</p> <p>HNA supports development which is consistent with Bayside planning guidelines and reasonable community expectations. In HNA's opinion this proposal does not comply with Bayside planning guidelines and is incomplete, thereby not meeting reasonable community expectations. Taking each of these aspects in turn:</p> <ul style="list-style-type: none"> <li>- The proposal does not comply with planning guidelines: <ul style="list-style-type: none"> <li>i) for the safe movement of residents within an apartment block (one of the roof decks being accessed by a ladder)</li> <li>ii) to contain noise sources that may effect existing dwellings; and</li> <li>iii) for the future preferred neighbourhood character of the subject precinct, due to the proposed destruction of the shallow pitched roof form of the subject apartment block as currently stands.</li> </ul> </li> <li>- The proposal is also incomplete in two key respects, thereby failing to meet reasonable community expectations. Relying purely on the building surveyor through the building permit process to address these shortcomings represents an unacceptable level of risk: <ul style="list-style-type: none"> <li>i) There is no indication in the proposal as to how stormwater will be managed (the roofdeck structures essentially appearing to trap water), nor what impact any proposed drainage measures would have on the environmental performance of the existing building.</li> <li>ii) There is no engineering report, or clear inclusion of structural components based on the recommendations of such a report, consistent with the retro-fitting of the roof deck structures. Each roof deck will have the capacity to hold approximately 20-30 people. The existing roof structure will not have been constructed to sustain this level of load.</li> </ul> </li> </ul> <p>In summary, therefore, HNA regards the application as being of low quality, neither meeting planning guidelines nor community expectations, and urges Council to refuse it.</p>		

2.	Mr Des Bastin	(O)
<p>Thank you for the opportunity to submit an objection, on behalf of myself and other residents.</p> <p>I am objecting to the proposed roof decking on 201 and 202 in our apartment building.</p> <p>I don't believe the applicants have followed the appropriate steps by not consulting with the Owners corporation in making a significant change to the external structure of the building. I can't hang a pot on the wall in my courtyard (which I own and am financially responsible for) without owners corporation agreement, yet 201 and 202 can spend \$300K plus.. changing the entire visual aspect of our building. It's unacceptable.</p> <p>I believe considering all the structural problems within the building that are ongoing re water damage to numerous apartments At least 7 apartments including 202 which had significant repairs last year and were repairs by VIMA as the builder i believe became insolvent on completion, despite going on to further constructions in bayside and other areas.</p> <p>The builder of 43 Willis St who is also the applicant for the decks has done very little to rectify structural problems while he was acting as Chair person (by proxy as his apartment is in his wife's name )of the owners corporation.</p> <p>He also made no attempt to discuss with occupants/owners in the appropriate forum re the proposed major change to the outer design of the building.</p> <p>Something I have been advised by the owners corporation management is something he should have done prior to even submitting an application.</p> <p>Many of the owners in the building were unaware until the council proposed application was displayed out front of our building. I know of at least 6 owners who object to the construction and changes to what his currently one of Hamptons most appealing apartment building and putting an ugly roof deck, will detract from the original design and plan that people bought into.</p> <p>I have been advised our building insurance costs will rise .</p> <p>The decks will also have impact on the common roof space affecting the placement of communal solar panels.</p> <p>Residents are concerned re the weight on the roof causing further damage and water issues.</p> <p>Also considering the disregard the builder has for other owners re changes to the building, will there be more applications to enclose the space in future?, otherwise it is an expensive slab on the roof unusable without shelter. and accessing 202 roof deck via a latter will cause safety issues in the event of getting people off the deck in the event of an emergency.</p> <p>Im also wondering what are the legal implications of non fixed shade structures etc, when they blow off the roof.</p> <p>Both the builder and the surveyor of 43 Willis st are the sole beneficiaries to this deck application, both were on owners corp and nothing was discussed re such a significant changes with other residents.</p> <p>if this should be approved by council, owners have asked council stipulate that no common areas will be used by the builders taking up car spaces and messing up the comment foyer.</p> <p>The body corporate management are looking into the fact this deck SHOULD have been agreed upon before even going to application.</p> <p>Frankly the applicant has shown no respect towards other owners in the building. We all bought into the building as constructed, and we don't want ugly external changes, thank you for your consideration and time</p> <p>Des Bastin (Registered Nurse) ...not a lawyer ..or a builder just someone who believes people should at least do the right thing by others!</p>		

Bayside City Council – Planning and Amenity Meeting 12 April 2022 Notice of Decision to Grant a Permit. Application 2021/500/1 Ward Castlefield  
 Objection by Robert Blair 45 Willis Street Hampton Vic 3188

## OBJECTION TO 43 WILLIS ST. PROPOSED DECK AND ACCESS STAIR STRUCTURE

Generally, I have no objection to the proposed decks as they do not appear to overlook my property, as indicated on the submitted plans, however the turret like projection which provides an enclosure to the access stair to the unit 201 deck is obtrusive and out of character with the buildings skyline vista .

It has the footprint of a small room and also projects beyond the VCAT endorsed defined height limitation for this premises.

The 2013 VCAT decision endorsed a building envelope that the residents of the area were required to accept.

It did not include roof terraces nor an unsightly stair access room on top of the building.

If the deck area over unit 201 is considered acceptable, then I would request that they adopt the same access as proposed to the deck on unit 202. This would then remove the need for the unsightly staircase housing.

The applicants town planning consultants , Urbis, note the existence of roof terraces on 37 - 39 Willis St apartments. They are correct and they were included in the original TP application, not add-ons like those proposed for 43 Willis St.

Comments in regard to DESIGN AND DEVELOPMENT OVERLAY SCHEDULE 12 as identified in the application, viz:-

*Roof decks and their associated structures must not exceed the maximum building heights specified in the built form precinct provisions of this schedule.*

Note that the stair access room exceeds the 12m height limitation.

*In a residential zone the roof deck should*

- *Be designed and constructed of materials that integrate with the architectural style and form of the building*

The stair access structure is not in character with the existing built form. It does not integrate with the architectural style and form of the building

*Not include any permanent or moveable structural element that will increase the visual bulk of the building including pergolas verandahs shelters and storage areas.*

The "necessary ?" proposed additional structure for stair enclosure access from the apartment below certainly dominates the sky line visuals of the building -its equivalent to a small bedroom - black and unsightly.

R BLAIR

4.	Mr Francis Leipper and Ms Sheila O'Shea	(O)
----	---	-----

10 April 2022  
Please consider our objections to the proposed re-development of roof top decks.  
We oppose the proposed –

- Creeping changes of the original endorsed plan, particularly the proposed built structure on the roof top.**

Over the last four amendments in eight years creeping changes include pergola additions, enclosed atrium and removal of planters on the terrace. Now, the owner/developer wants to change the façade of the building and increase the height.

The VCAT ruling (Ref P2290/2013 Permit Application 2013/343, Date of Order 5 May 2014- indicated the building was a satisfactory height and when Applying the Application of the Planning Policy Framework to the Particular Context (Point 31, page 11), he noted, ‘the flat roof above the second level reinforces the perception that it is lightweight and recessive. It also emphasised the horizontal appearance of the building.’ However, apart from increasing the height , the current application 2021/500/1 includes a building structure upon the roof in dark contrasting colours, which appear to be add- ons. If the original intent was to include roof top decks, this should have been presented at the 2014 VCAT hearing.

The original approved and endorsed plans should not be disregarded.
- Increase in height , colour and visual bulk of the roof top decks.**

The formula used to determine the 12m height does not factor in the downward slope of the land to the north east of the site. Using ground levels closest to the decks in the east and north boundaries indicate that the heights of both decks are above 12m. The south deck is 12.3m and the rear, north deck is 12.49m.

In addition to the proposed height increase, the current application 2021/500/1 includes dark coloured, raised deck platforms and a stair access structure, which is quite large. They would dominate the view and increase the visual bulk .
- Overlooking.**

Approval of the application would result in a loss of privacy enabled by views to the west from the rear, north deck. There would be views into our home through a large bay window at the rear of our property.

Since 2015, at the completion of the build, unresolved overlooking issues due to non-compliant and unauthorised work being carried out on the west of the terrace are still on-going. It has been a challenging process to navigate because there were repeated delays due to applications to change the building and the unwillingness of the developer/owner to fix the screening problem. In this application we do not want to feel like there are going to be any more lack of privacy issues to deal with.
- Ambiguities in the plan.**

The existing roof top conditions as shown in this current application are not consistent with the original endorsed plan by VCAT and Bayside City Council.

Questions arise about common areas and whether or not approved design features were either changed or not actually installed. The 2014 endorsed plan shows common areas, which are now shown as privately owned space. Roof access by a common hatch is proposed to be relocated to screened private property and parts of the drawings in the roof top plans are vague in this regard. The existing conditions as shown in the planning application appear to indicate that the building does not conform to the endorsed plan.

If this current submission succeeds, the original endorsed conditions and plans will be superseded to the detriment of the original approved plan.

- **The intent to waive conditions in the VCAT ruling (Ref: 2290/2013 Permit Application 2013/343, Date of Order 5 May 2014 and endorsed by Bayside City Council.**

The VCAT ruling of 2014 should not be disregarded.

<b>Item 4.13</b>		<b>Objector (O)</b>
<b>Mulgoa Street, Brighton</b>		<b>Support (S)</b>
		<b>Applicant (A)</b>
<b>1.</b>	<b>Anonymous</b>	<b>(S)</b>
<p>Hi council members,</p> <p>This tree is majestic, and provides a beautiful view in front of the sunset.</p> <p>My main concern is that there have been many new constructions in Mulgoa Street, and with each of them, old trees are pulled down only to be replaced with mostly shrubs. The street is wide and there is plenty of room for large trees to be planted, but instead we have big houses and small trees.</p> <p>At least this tree can provide a beautiful backdrop for all the neighbours to enjoy.</p> <p>Thank you.</p>		

<b>Item 4.16</b>		<b>Objector (O) Support (S) Applicant (A)</b>
<b>10 Worthing Road, Highett</b>		
<b>1.</b>	<b>Mr Phillip Rygl (on behalf of Worthing Highett Family Trust)</b>	<b>(O)</b>

**PLANNING & AMENITY DELEGATED COMMITTEE MEETING 12 APRIL 2022**

**ITEM 4.16: 10 WORTHING RD HIGHETT - NOMINATION FOR SIGNIFICANT TREE REGISTER**

**Name:** Phillip Rygl (Connect Town Planning) on behalf of Worthing Highett Family Trust

**Contact:** 0400829235, phillipr@connectplanning.com.au

**Introduction**

1. This submission is made on behalf of the Worthing Highett Family Trust as owners of the land at 10 Worthing Road Highett.
2. This submission is made in **objection/against** the recommendation under Item 4.16 to grant significant tree status for a Lemon Scented Gum (*Corymbia citriodora*) at the rear of the property and requests that the tree is not included Council's Significant Tree Register.

**Submissions**

3. It is noted that there are four (4) registration criteria used under the Bayside City Council Significant Trees Management Policy 2020 to determine whether trees are suitable candidates for inclusion on the Bayside Significant Tree Register. There are twenty (20) considerations and criteria which include:
  - Scientific:** horticultural or genetic values, remnant vegetation, outstanding for its size and outstanding example of the species
  - Social:** unique location or context, contribution to landscape, associated with Aboriginal activities, important landmark, spiritual or religion associations, association with community
  - Historic:** forms part of an historic park, garden or town, commemorative planting, associated with an important event or person or group
  - Aesthetic:** a really great looking tree, exhibits unusual growth form or physical features, is a better than average example of the species.
4. We ask that Council acknowledge that the Arboricultural report by Homewood Consulting, which was used as the basis to inform the Council's arborist recommendation to include this tree on the register, determined the tree **met only one of the twenty criteria**, being the **social- contribution to landscape** policy criteria. That is only one element of one criteria within the 20 matters that are to be used in considering the registration of the tree. Under the social criteria, the tree has not been identified as meeting any other social elements such as being in a unique location, it is not identified as a landmark tree, nor does it have any association with either aboriginal or contemporary community.
5. The Homewood report and the Council officer report do not elaborate in any detail why this particular tree makes such a contribution to the landscape that warrants it being included in the Register for this reason alone.

6. Importantly, neither the Homewood Report or the officer report give weight to the other criteria to be used in assessment, including the two reasons put forward by the nominator of the tree which was on scientific or aesthetic reasons
7. The Homewood Report only attributes the tree a '**Neighbourhood**' significance in respect to its Grading of Significance. This is the lowest of the five (5) gradings that are used. The tree has been considered to contribute only to a streetscape or neighbourhood landscape, not to a local, regional, state or national significance.
8. In that respect, unlike a tree located in an area of public open space or within a front yard, the subject tree is located within the private back yard of the existing dwelling, approximately 35m (to the trunk) from the frontage of the property and 50m from Major Street (to the east). While the canopy of the tree is visible from the adjoining streets, views are restricted by buildings on the subject land and on adjoining and nearby properties.
9. We would also take this opportunity to note that many of trees that are included in the Significant Tree Register are typically located in front yards where they are more highly visible in the public realm.



**Figure 1:** Aerial photos showing location of tree relative to property

10. The photographs below were taken from Worthing Road and Major Street and show that while the tree is visible from the street, due to the location of buildings and the positioning of the tree in the private back yard, the tree is not highly visible in the streetscape and as such its contribution cannot be assessed as being significant enough to warrant inclusion on the Register. Especially noting that the Arborists have not identified any scientific, historic or aesthetic criteria being met which would otherwise contribute to its importance or significance.



**Figure 2:** Photo of subject property and Tree in the background



**Figure 3:** Photo from Major Street with Tree in the background

11. Having regard to these matters, we do not agree that the tree makes a significant contribution to the landscape amenity of the surrounding area and certainly does not warrant being included on the Register.
12. We also take this opportunity to advise that Council officers have not had regard to an arborist report by Glen Waters Arboriculture, that had been sent to officers. The Glen Waters report has assessed the tree to be in fair-poor health and fair structure with an arboricultural value of moderate to high. The Homewood Arborist report has given the tree a higher rating of good health and good structure.
13. The recommendation to include the tree on the register has not considered the matters raised by the owner of the property against its registration. These matters of objection include safety issues considering the size of the tree which is located within a small backyard setting and with a canopy overhanging houses. The tree is located centrally in the back yard of the dwelling and its trunk is within a few meters of the house and the land owner has previously expressed concern regarding the safety of the tree in this context.
14. The tree was recommended for nomination by an adjoining property owner. It is unclear as to the reasons for the request and we would hope it has not been done with a view to try to restrict the future development opportunities and rights that the property has.
15. If the tree is included on the register, it would effectively 'sterilize' the site from redevelopment which would not be consistent with the underlying GRZ5 zoning seeking moderate residential growth within the Highett Activity Centre and being in a Preferred MDH area in Highett.
16. In consideration of the above points, the property owner strongly opposes the inclusion of the Lemon Scented Gum onto the Bayside Significant Tree Register. The reasons provided by Council's Arborist are limited to that of a contribution to landscape basis only. The assessments provided note that this contribution is limited to the lowest grading of neighbourhood in the hierarchy of gradings.
17. The tree's registration is not considered to be warranted having regard to the criteria established under the Bayside City Council Significant Trees Management Policy 2020 as it is noted as satisfying/meeting only one of the twenty categories and criteria in determining significance.

Connect Town Planning on behalf Worthing Highett Family Trust.

April 2022

<b>Item 4.19</b>		<b>Objector (O)</b>
<b>57 Abbott Street, Sandringham</b>		<b>Support (S)</b>
<b>1. Mr Christopher Winchester</b>		<b>Applicant (A)</b>
		<b>(S)</b>

SUMMARY & SUPPORT FOR EXISTING ENGLISH OAK TREE

My name is Chris Winchester, we are the owners of 54-56 Bamfield Street Sandringham. Our property abuts the rear lane [Gypsy Way] and is just to the north of 57 Abbott Street Sandringham [‘subject site’].

We are aware our neighbour at 57 Abbott Street has submitted a nomination to Bayside City Council for their English Oak tree to be included on the ‘Significant Tree Register’. The existing large oak tree is located in the north east corner of their property, and its large canopy is highly visible from our rear yard and living room.

This tree provides a noteworthy contribution to the suburban landscape of Sandringham. It offers shade to the pedestrians who use Gypsy Way as a short cut to the Village, as its canopy reaches across the laneway [as shown in the image below].

We support the nomination for the tree’s inclusion on Bayside Council’s Significant Tree Register.



English Oak at 57 Abbott Street Sandringham

View from Gypsy Way [looking west].

Image date: 22 February 2022

Note Image taken prior to lopping carried out on the east side of the tree by 59 Abbott Street