

# **REQUESTS TO BE HEARD**

**14 June 2022**

**Planning and Amenity Delegated  
Committee Meeting**

<b>Item 4.3</b>		<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>
<b>68-76 Union Street, Brighton East</b>		
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1.	Mr Peter Murray	(O)
<b>Requests to Speak</b>		
1.	Ms Helen Kotsopoulos	(O)
2.	Mr Ben Cooke	(A)

<b>Item 4.4</b>		<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>
<b>1 Bay Street, Brighton</b>		
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1.	Mr Jason Barnfather	(O)
2.	Mr Peter and Mrs Fiona McCormack	(O)
3.	Ms Rachel Irons (on behalf of Pat and Alun Kenwood)	(O)
4.	Mr Thang Le	(A)
<b>Requests to Speak</b>		
1.	Mr Michael Schoenfeld	(O)
2.	Mr Geoffrey Welsh	(O)
3.	Ms Christine Lugano	(O)
2.	Mr Thang Le	(A)

<b>Item 4.5</b>		<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>
<b>52 Jack Road, Cheltenham</b>		
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1.	Mr Tasman Jones (for Songbowden Planning)	(A)

<b>Item 4.9</b>		<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>
<b>21, 23A, 23B, 25 and 33 Bay Road, Sandringham</b>		
<b>Written Statements</b>		<b>Page 12</b>
1.	Mr Peter and Mrs Fiona McCormack	(O)
2.	Mr Rob Walton (on behalf of residents of 12 Trentham Street Sandringham)	(S)

# **WRITTEN STATEMENTS**

<b>Item 4.3</b>  <b>68-76 Union Street, Brighton East</b>	<b>Objector (O)</b> <b>Supporter (S)</b> <b>Applicant (A)</b>
<b>Written Statements</b>	
<b>1. Mr Peter Murray</b>	<b>(O)</b>
<p>Dear Bayside Councillors,</p> <p><u>In regard to the proposed development at 68 Union St Brighton East</u></p> <p>I am not satisfied as to the distance from my back fence to the proposed development, I also have concerns re my trees growing along my back fence, these tree's are quite established and are needed to be given reasonable clearance to be protected, I have been given several distances as to the set backs of the units in relation to my back fence, this I feel needs to be clarified.</p> <p>I have spoken to Campbell from Fridcorp on Friday, but I feel a more formal discussion needs to take place, I request the council does not approve these plans until further negotiations take place.</p> <p>Kind regards Peter Murray</p>	

**Item 4.4**

**1 Bay Street, Brighton**

**Objector (O)  
Supporter (S)  
Applicant (A)**

**Written Statements**

**1. Mr Jason Barnfather**

**(O)**

Dear Councillors,

We refer to the above matter and advise that we act on behalf of the owner of 7 St Ninians Road, Brighton which is diagonally opposite the subject site.

Having considered the information that has been advertised and read the recommendation provided by the planning department, we wish to reiterate our grounds of objection to this application and note that the applicant has done nothing whatsoever to respond to the issues identified by objectors.

We regularly represent permit applicants, however on occasions we do object to applications where we consider a proposal has failed to meet the objectives of the planning scheme and is a poor planning outcome.

This is one application which we consider is not responsive to the planning scheme objectives due to the sheer size of the built form that dominates the waterfront and streetscape and in our opinion it should be refused. It also has an over scaled roof access structure that is akin to an additional level and from a distance it would be hard to tell the difference.

The whole point of the introduction of the DDO1 in around 2000 was to limit the height of developments along the waterfront and their impact. We respectfully disagree with the assessment completed by the planning department in this case as this will be an imposing structure to the waterfront and Bay Street emphasised by columns and a significantly large roof access structure.

During the course of the application, we also raised issues in relation to the legitimacy of the application in that it appeared as though it was an application for two dwellings. This was also queried by the planning department during the course of the application, however they appear to be satisfied that it is one dwelling. We are not as convinced, noting the following aspects of the plans:

- a. Two sets of internal stairs.
- b. Two lifts.
- c. Two sets of car parking spaces, with two aisle dimensions (each 6m).
- d. Two sets of stairs leading to the Bay Trail.
- e. Generic interior layout and detail for a grand home.
- f. Two pools/spas on the roof level.
- g. 'Backyard 1' and 'Backyard 2'.

We also wish to highlight the following shortcomings:

- The plans are misleading:
  - There are windows shown at the basement level on the plans, however these are not reflected on the elevations. It implies the basement level is raised above natural ground level and this is not truly reflected in the elevations.
  - The natural ground line depicted on the Sections, in particular Section 1 is vague and does not

reflect the survey at the western end of the site.

- The 3D's show vegetation where there simply cannot be vegetation, such as on the tennis court.
- The proposal will dominate the streetscape due to the sheer façade and excessive width. This does not reflect the prevailing massing of built form in the area and fails to meet the neighbourhood character objectives which seek a higher degree of articulation and also in Precinct C1, the preferred design response is for a recessive upper level.
- The proposed use of columns add to the dominance of the built form and are contrary to the preferred character outcomes for Precinct C1 which seek to avoid the use of heavy materials and design details (e.g. large masonry columns) as shown in the extract from the neighbourhood character brochure shown below.

Materials and Design Detail	To encourage the use of a variety of building materials, finishes and design detail that complement the coastal setting.	<ul style="list-style-type: none"> <li>● Use a mix of materials including timber or other non-masonry wall materials in building design.</li> <li>● Use simple building details and articulate roof forms.</li> </ul>	<i>Large, poorly articulated external wall surfaces of one material only. Heavy materials and design detailing (eg. large masonry columns and piers).</i>
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- The proposed street setback does not comply with setback requirements contained within ResCode and the Building Regulations due to the height / scale of the balcony / column projections that exceed a height of 3.6 metres. This impacts on the openness of the streetscape and the issue is compounded by the elevated nature of the dwelling which has a façade height of approximately 10.5 metres at the west end when measured above the footpath level. This will no doubt be an imposing structure on the street and the beachfront and one that should be refused in its current form.
- The size of the access structure leading to the roof terrace is excessive and well beyond the size of most in the area. This also has a significant amount of floor space within it and at this size it is questionable whether it meets the requirements of the Design and Development Overlay or the associated objectives.
- The proposal will have an unreasonable impact on the beachfront due to its close proximity to the western boundary and poor level of articulation and visual interest. This is contrary to the preferred character outcomes for Precinct C1 as outlined below.

Beachfront Environs	To create a visually interesting and attractive built form interface with the foreshore reserve, on properties fronting the reserve and visible from the reserve.	<ul style="list-style-type: none"> <li>● Articulate the form of buildings and elements, particularly front facades, and include elements that lighten the building form such as balconies, verandahs, non-reflective glazing and light-transparent balustrading.</li> <li>● Use a mix of contemporary and traditional coastal materials, textures and finishes, including render, timber, non-masonry sheeting, glazing, stone and brick.</li> <li>● Provide a fence or landscaping treatment to delineate the property boundary fronting the foreshore reserve.</li> <li>● Provide articulated roof forms to create an interesting skyline when viewed from the beach.</li> </ul>	<i>Buildings that have no relationship to the foreshore setting. Poorly articulated roof and building forms. Highly reflective materials or glazing. Blank walls facing the foreshore. Lack of distinction between public and private spaces along the foreshore.</i>
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We trust this makes clear our reasons for maintaining an objection to the proposal and we request that Councillors refuse the application.

Regards,



Jason Barnfather  
Director  
Squareback



13 June 2022

Planning Permit Application 5/201/561/1  
Via email: [molan@bayside.vic.gov.au](mailto:molan@bayside.vic.gov.au)

**RE: Planning Permit Application No. 5/2021/561/1  
1 Bay Street Brighton**

Dear Council,

I am making a submission on behalf of my parents Pat & Alun Kenwood owners of 2/2 Bay Street Brighton to object to the planning permit on 1 Bay Street Brighton on the following basis:

**Building Height and Massing on The Foreshore**

The proposed plans do not meet the objectives of DD01 for building on the waterfront. There is an inadequate set back and articulation to the public interface on the foreshore and this has not been given adequate consideration.

**Streetscape/ Neighbour Character**

The Design with intricate columns, dominant roof structure and large building mass without any softening through architectural design or variation in material selection is not in keeping with the surrounding streetscape and is not compatible with the neighbourhood design, especially with that of the foreshore.

**Planning Outcomes and Loss of Amenity**

The building has been clearly designed as 2 Residences with a dotted line down the middle to show how it would be sub-divided in the future with 2 stairs 2 lifts and lift lobbies and 2 roof top swimming pools and parking for 8 cars. The design is for double the functionality rather than an aesthetic choice. The applicant and the delegated authority have not demonstrated how this can be considered one residence. The permit requirements for 2 residences should be applied assessing the merits of the permit application.

We ask that you consider these objections raised at the meeting on 14 June 2022

Yours sincerely,



Rachel Irons

Spring Design & Development Pty Ltd  
[prirons@bigpond.com](mailto:prirons@bigpond.com)

**ITEM 4.4: 1 Bay Street, Brighton**

- The proposal is seeking for a town planning permit for construction of a roof deck. Confirming the proposal comprises of one dwelling not two.
- The dwelling sits opposite to four-storey building, 2-4 Bay Street. The dwelling meets the maximum building height of 10m as the site has more than 2.5-degree slope. The height and scale is comparable to those surrounding existing. The proposal suggests a large tennis court to create buffer to the adjoining Eastern neighbour at 5 Bay Street.
- The roof deck design to complies with DDO1 – setting back 2 meters from the edge, less than 2.4m high to minimise the visual impact on the street, from the foreshore reserve and adjoining properties.
- Furthermore, the staircase and lift cover structure is lightweight with a flat roof to be integrated with the rest of the dwelling and to match the preferred precinct character.
- Two swimming pools on the rooftop would allow more landscape opportunity on the ground, taking advantage of the beach view and balancing the weight on top to the building as each pool is around 56 tonnes of water, which has been consulted with the structural engineer.
- To conclude, we strongly believe our proposed roof deck satisfies the requirements. It has minimum visual impact to the adjoining dwellings. Furthermore, it provides extra landscape on both ground and roof top, bringing a positive contribution to the neighbourhood character.

**Thang LE**

Director – ARC ZERO

<b>Item 4.5</b>	<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>52 Jack Road, Cheltenham</b>	

**Written Statements**

<b>1.</b>	<b>Mr Tasman Jones (for Songbowden Planning)</b>	<b>(A)</b>
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Dear Members of the Committee,

**52 JACK ROAD, CHELTENHAM - 5/2021/758/1  
PLANNING PERMIT APPLICATION FOR THE CONSTRUCTION OF THREE (3) TRIPLE STOREY DWELLINGS  
WRITTEN STATEMENT FOR THE CONSIDERATION OF THE COMMITTEE**

We act on behalf of Chris Stoikopoulos C/- Bruce Yu, the permit applicant, in relation to the above application.

We thank Council for the opportunity to provide a brief statement to discuss the history and merits of the planning application.

The application before the Committee is by no means one that simply seeks a planning permit for the site, it also seeks to provide housing anticipated by State Planning Policy, Council’s Planning Department, as well as providing change that is reasonable, acceptable and will sit comfortably with its neighbours.

This process started prior lodgement where our office long with the Architect and the landowners consulted Council’s Planning department for pre-application comments. Although, at the time of an application some items were raised at Request for Further Information stage, none where major issues, easily addressed and all where satisfactorily addressed to proceed to public notice; in confidence Council’s Planning Department were comfortable supporting the application in principle.

The application proceeded to public notice which concluded with the submission of objections from eleven (11) properties. Council offered to host and mediate an online Planning Consultation, for objectors to directly voice and discuss their concerns with us. It was commonly found that objectors considered the second storey and the length of built form massing were too much. To these concerns we replied:

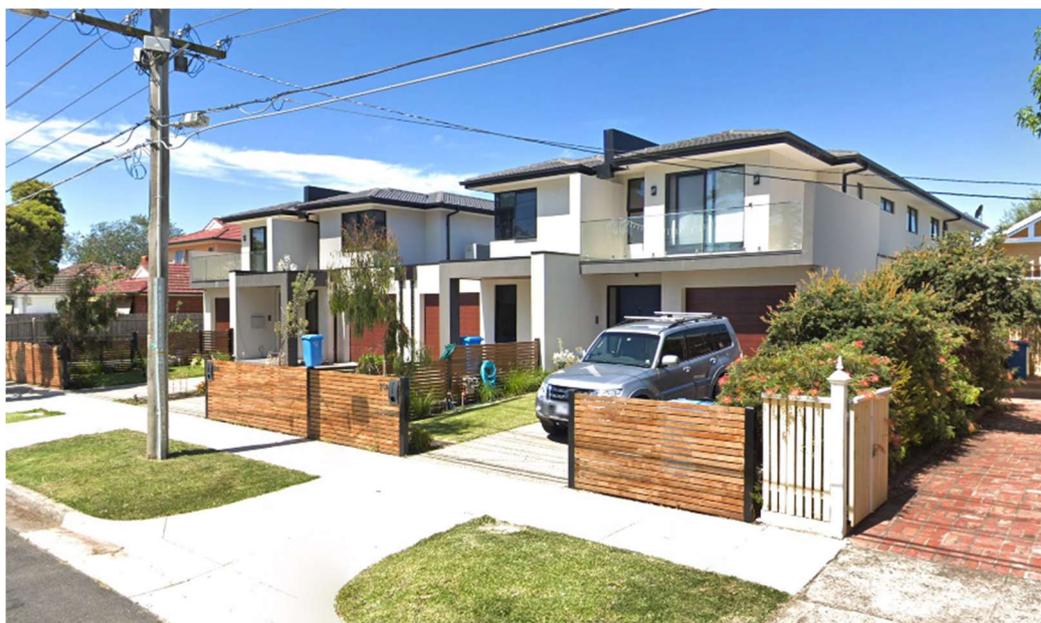
- The building height and number of storeys complies with the GRZ – Schedule 1 (Future Moderate Residential Growth Areas: Southland, Elsternwick, Hampton East (Moorabbin) and Cheltenham Activity Centres).
- [Character] Precinct H5 (applicable local character policy pursuant to Clause 15.01-5L) seeks development to *‘recess second storey elements from the front façade’* (not to be confused with first storey, aka. first floor) therefore, contemplating the scale proposed. Furthermore, the design response adopts this requirement on all elevations for the second storey, confining its massing within the roof form.
- The site is strategically appointed on a state and local level for a greater degree of change and density than other locations affected by the GRZ that are of greater distance from public services and facilities.
- The GRZ encourages greater densities and dwelling diversity whilst ensuring off-site amenity impacts, neighbourhood character and the landscape character are addressed.
- The length and mass of the proposal is on par with other developments in Jack Road and is considered to provide better visual interest via material as well as physical articulation to its

side setbacks, than comparative townhouse developments. Local examples found at 30a-30b and 32a-32b Jack Road, located 140m south of the site are comparative. These examples have no side setback articulation or colour and material variation (See figures 1 and 2 below). The proposal, however, provides vertical and horizontal articulation via a mixture of physical setbacks and varied colours and materials.

- The second storey is not readily visible from neighbouring properties at ground floor given setbacks from the first floor roof and the pitched design of the raked walls.



**Figure 1 Proximity of 30a-30b and 32a-32b Jack Road from subject site**



**Figure 2 Streetscape view of 30a-30b and 32a-32b Jack Road**

There were submissions also received and discussed with the owners and occupants of 50 Jack Road and 25 Mernda Avenue, both directly abutting neighbours. The permit applicants worked closely and openly with Council and the neighbours to address their concerns. The common and highest priority for these neighbours is retaining their privacy. Consultation with Council to provide screening, to the neighbour's satisfaction required varying and exceeding the minimum overlooking screening heights under Rescode. This was agreed by Council as allowable, so long as

internal amenity for daylight was reasonably addressed. This resulted in tops of windows reaching ceiling heights along with screening and/or sills to a minimum to 1.8m high, applied to both habitable and non-habitable room windows and the eastern balcony.

After lengthy and detailed discussion on the application of screening measures, our office lodged Section 57A amended plans after public notice with the following changes:

Changes made for 50 Jack Road

- Requested A/C condensers be located on balconies due to noise concern; these have been moved on the opposite side of the proposed building on the north within balcony areas.
- 1.9m high externally fixed louvres on wet (bathroom) area windows to the south.
- South facing bedroom windows screened externally to 1.8m high from finished floor level.
- South boundary to have a Colorbond fence (Ironbark) to 2.1m high and extend the full length of property that extends behind garage. (replacing asbestos fence)

Changes made for 25 Mernda Avenue

- Glass balustrade on east of balcony to Dwelling 3 is 1.8m high above finished floor level.
- First floor eastern windows, sill heights raised to 1.8m above finished floor level.
- Air-conditioning condenser is relocated from east to north of proposed development to minimise noise pollution.
- Along eastern boundary 6 x Syzygium Australe 'Elite' planted at a minimum height of 3m opposite balcony. Species capable of maturing to 5m (h) x 3m (w).
- Pay for 50% of construction costs of recently constructed common boundary fence.

Whilst these changes made for neighbouring sites were with an agreement of their withdrawal, the permit applicant is fully aware that any decision made by Council, should it be supported, would only be a Notice of Decision given the remaining 9 objections. However, this is acceptable as on the outset, one of the primary objectives of the permit applicant is to ensure neighbours are provided reasonable comfort.

As discussed above, the proposal goes above and beyond what the Planning Scheme requires and anticipates as providing a reasonable and acceptable outcome. We see this is the right approach for the site, its context as well as its neighbours.

We trust the enclosed information is satisfactory to the Council. If you require any further information, please do not hesitate to contact our office.

Yours faithfully,

**SongBowdenPlanning**



Tasman Jones  
Senior Planner  
Enc.

<b>Item 4.9</b>	<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>21, 23A, 23B, 25 and 33 Bay Road, Sandringham</b>	

**Written Statements**

<b>1.</b>	<b>Mr Peter and Mrs Fiona McCormack</b>	<b>(O)</b>
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Sheer Scale of Development.  
 Be it re designed and compromised from original submission, it does not achieve in our view the stated core goals referred to in Tribunal original findings. Quote "Whatever is built on the review site will be prominent in the long term. A high standard of design will ensure that it enhances the SMAC and continues to be valued throughout its life."

Applicant seeks relief from Statutory car parking numbers ( Bayside Planning Scheme). We seek your support in rejecting this request. As a result of the build size an additional seven car parks for medical centre imperative.

We make reference to the Compulsory Conference 11th May 2022. The Barrister representing the Applicant agreed to put to his Client to consider re establishing car park entry to site from Kelly's Lane to Trentham Street. This was rejected by the Applicant. We have serious concerns about the safety aspect of Kelley's Lane being used as entry to Applicant car park, given the sheer volume of traffic involved, and request Council re evaluate the use of Kelleys Lane for this purpose.

Please **EXCLUDE** the use of Kelley's Lane from Applicant's Design Plans.

Regards,

Peter & Fiona McCormack

**2. Mr Rob Walton (on behalf of residents of 12 Trentham Street Sandringham) (S)**

BAYSIDE CITY COUNCIL PLANNING AND AMENITY DELEGATED COMMITTEE  
MEETING 14 JUNE 2022

ITEM 4.9: 21, 23A, 25 AND 33 BY ROAD SANDRINGHAM  
SUPPORT THE GRANT OF A PERMIT  
APPLICATION 2021/705/1 WARD: BOYD

WRITTEN STATEMENT FROM 12 RESIDENTS\* OF 12 TRENTHAM STREET  
SANDRINGHAM

The following document we wish to have placed on record of Council for future reference if needed and for inclusion in Council's Traffic Management Plan.

**Traffic in Kellys Lane:**

The proposal is for 54 apartments with a total of 80 car parking spaces:

Memo from the Traffix Group (Traffic Generation Memo, Ref G28372M-D4A, Wednesday 9 February 2022):

Retirement Village Traffic Generation Survey:

- The Crescent Brighton: 2.6 vehicle trips per day per apartment
- 1256 High Street Malvern: 3.2 vehicle trips per day per apartment.

For 54 apartments at the proposed development the above equates to between 140 and 170 vehicle movements/day

For a 15 hour day, say 6 a.m. to 9 p.m.: between 9 and 11 vehicle movements/hour

For Kellys Lane this would equate to an average of between 18 and 22 in or out vehicle movements per hour or, an average of one in or out vehicle movement every 3 minutes (approximate).

**The above estimates are before the addition of traffic in Kellys Lane associated with:**

- the proposed medical centre
- 12 x ground level car parking spaces associated with the apartments fronting 9 Bay Road
- car parking at the rear of the shops at 15/17 & 19 Bay Road
- 30 x basement car parking spaces at 12 Trentham Street

Vehicle movements would be more frequent between, say 9 a.m. and 5 p.m. compared with early in the morning and in the evening.

**Access to the basement car park of the proposed development from a widened Kelly Lane will result in significant traffic congestion in Kellys Lane, particularly for traffic exiting Kellys Lane into Trentham Street.**

\* Don Ryan (0418 546 027), Lesley Ryan, Ray Erridge, Dawn Erridge, Peter McCormack, Fiona McCormack, Natasha Wright, Matthew Wright, Robert Walton (0418 363 390), Megan Walton, Vicki Atkinson, Tony Hatton

BAYSIDE CITY COUNCIL PLANNING AND AMENITY DELEGATED COMMITTEE  
MEETING 14 JUNE 2022

ITEM 4.9: 21, 23A, 25 AND 33 BY ROAD SANDRINGHAM  
SUPPORT THE GRANT OF A PERMIT  
APPLICATION 2021/705/1 WARD: BOYD

WRITTEN STATEMENT FROM 12 RESIDENTS\* OF 12 TRENTHAM STREET  
SANDRINGHAM

The following document we wish to have placed on record of Council for future reference if needed and for inclusion in Council's Traffic Management Plan.

**Car Parking:**

The proposal is for 54 apartments with a total of 80 car parking spaces:

- 56 spaces for residents on the lower level of the basement car park
- 15 spaces for residents on the upper level of the basement car park
- 9 spaces for the medical centre on the upper level of the basement car park.

The total of 71 car parking spaces are for residents occupying one, two and three bedroom apartments; a total of 54 apartments.

The medical centre will consist of:

- 13 consulting rooms
- physio room
- reception area and waiting room
- staff room
- treatment room

The medical centre will be occupied by:

- doctors
- physiotherapists
- nurses
- receptionists and administration staff
- patients

**How will only 9 car parking spaces accommodate the requirements for doctors, support staff and patients either working at or visiting the proposed medical centre? Street parking in the area surrounding the proposed medical centre is currently severely limited. This is particularly so at weekends and during the summer months when people are visiting the popular Sandringham beach.**

\* Don Ryan (0418 546 027), Lesley Ryan  
Ray Erridge, Dawn Erridge  
Peter McCormack, Fiona McCormack  
Natasha Wright, Matthew Wright  
Robert Walton (0418 363 390), Megan Walton  
Tony Hatton  
Vicki Atkinson