

REQUESTS TO BE HEARD

12 July 2022

**Planning and Amenity Delegated
Committee Meeting**

Item 4.3 401 Beach Road, Beaumaris	Objector (O) Supporter (S) Applicant (A)
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Requests to Speak

1.	Mr Neville Burnell	(A)
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Item 4.4 10 Mary Street, Beaumaris	Objector (O) Supporter (S) Applicant (A)
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Item 4.5 90 Outer Crescent, Brighton	Objector (O) Supporter (S) Applicant (A)
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Written Statements

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1.	Mrs Effie and Mrs Victor Leeman	(O)
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1.	Mr Mac Lemon	(O)
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2.	Mr Michael Arceri	(A)
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3.	Ms Anna Barclay	(A)
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1.	Mr Christopher West & Ms Adrienne Osborne	(O)
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2.	Mr Michael Schoenfeld	(O)
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4.	Mr Thang Le	(A)

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2.	Ms Carolyn Brydon	(S)
3.	Mr Benjamin Telley	(S)
4.	Mr Jamie Graham (for Wheeler & Dee Pty Ltd)	(A)

WRITTEN STATEMENTS

Item 4.4**10 Mary Street, Beaumaris****Objector (O)
Supporter (S)
Applicant (A)****1. Mrs Melanie Gude****(A)**

The below statement has been redacted in accordance with Section 62 (9) of Council's Governance Rules (Chapter 2 - Meeting Procedures) – Governance.

Good afternoon councillors,

I am writing to raise concerns about my current planning application to remove a tree from my property.

[REDACTED]

One large tree has grown into my roof, damaging the roof. This tree and it's canopy lean and overhang a large section of the house.

It has been assessed by two independent arborists as unsafe, and appropriate for removal. I have also been informed by my builder who's quoting on internal renovation works that the tree is most likely affecting the engineered slab and foundations of the house.

I am a long term (48 years) resident of Beaumaris and have lived at Mary Street for over 5 years. All my planning of works for the house and surrounding landscape is to improve the property. I know and have been told that if I was a developer doing a subdivision the tree would be approved for removal. I believe that such practices are not in line with local interest.

I also had a smaller tree approximately 3 years ago on the same side uproot and fall on my house. I still have the stump to confirm this.

I originally submitted a planning application to remove 4 trees, with a landscape plan scheduling

- * 5 replacement canopy trees, of local indigenous species
- * 43 small trees, of local indigenous species
- * The complete revegetation of all garden beds with small shrubs, grasses and ground covers, of local indigenous species

I also submitted a landscape design report and arborist report which was in our earlier submission.

My house is a valuable part of Bayside's historical architectural fabric, however, the garden contains weeds and ornamental species, and is lacking in its relationship with the house and preferred landscape qualities of the area.

All I wanted to do was make my property safer, and re-landscape the garden in line with local plants and trees to contribute better to the suburb.

In my discussions with [REDACTED] **the officer**, he confirms he will refuse the removal of the 4 trees.

I accept, but disagree with, the fact that the removal of tree 1, 2 and 3 will not be supported.

However, I have had further discussions with [REDACTED] **the officer** about tree 4,

[REDACTED]

He states that there has been no extensive risk assessment done by my arborists to determine risk. However, in his position that the tree has no risk, he has also not performed any risk assessment. Therefore, in all logical analysis, his assessment is subjective. For example [REDACTED] **the officer** believed a cluster in the canopy was a Possum nest however our arborist confirmed that it is not a nest but simply a weed cluster from local bird's droppings.

Item 4.5 90 Outer Crescent, Brighton	Objector (O) Supporter (S) Applicant (A)
1. Mrs Effie and Mr Victor Leeman	(O)
<p>We are the owners of 11 Cadby St Brighton and our home backs directly on to Brighton Grammar so we unfortunately are directly impacted by the proposed amendments requested. At the moment we cannot park in our own street after work and we hear very clearly all the noises of the school, gym and children which is fine as it stops at a reasonable hour. Extending these hours on weekdays will directly adversely effect our lives as go to bed 8:30 to open up a cafe at 5:30am each day in East Malvern . The noise coming from the gym from the children will not allow us to sleep if hours are extended , it will be impossible. We will also never be able to park our cars in the evening as parents will be picking up and dropping off all night. Also Sunday is the ONLY day of the week we get peace and quiet and can park in our street . Extending hours to Sunday to rent out the gym and make more money for Brighton Grammar at the detriment of all the local residents is unacceptable and totally selfish.</p> <p>We implore the council to consider the local residents and refuse this application as it did a few years ago.</p> <p>Nothing has changed between now and then. Why would council consider approving this now?</p> <p>Having one day off in 7 is not allot to ask and having our evenings free of noise is also not allot to ask when the noise starts before 7am each day.</p> <p>Having these extended hours will also drop the value of all surrounding houses. Who would want to live there when there is no peace and quiet 7 days a week and evening and not being able to park in Cadby street is a major issue. Opening up to renting the facilities will mean more and more people trying to find parking - which is not sufficient even now.</p> <p>We implore the council to please consider the residents once again.</p> <p>Thank you Regards Effie and Victor Leeman</p>	

Item 4.7**1 Bay Street, Brighton****Objector (O)
Supporter (S)
Applicant (A)****1. Mr Jason Barnfather****(O)**

4 July 2022

**Planning Permit Application
5/2021/561/1 1 Bay Street, Brighton**

Dear Councillors,

We refer to the above matter and advise that we continue to act on behalf of the owners of 5 Bay Street and 7 St Ninians Road, Brighton.

Having listened to the Council Meeting last month, we struggle find the submissions made by the Permit Applicant credible in relation to the intensions for the future use of the dwelling (or dwellings). This is a decision for Council, but one that needs to be carefully considered at the Council Meeting, as it was quite clear based on our observations that the dwelling will ultimately be split into two.

Having considered the information that has been advertised and read the recommendation provided by the planning department once more, 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 note that whilst it was discussed that Council was limited to making a decision on the roof terrace, we submit that this is not correct. The application includes a permit trigger for the floor to floor component in Design and Development Overlay and therefore the merits of the entire dwelling need to be considered by the Council, in particular in relation to neighbourhood character and the impact on the foreshore and streetscape.

As previously submitted, 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.

We also wish to reiterate the following shortcomings:

- 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"> • Use a mix of materials including timber or other non-masonry wall materials in building design. • Use simple building details and articulate roof forms. 	<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"> • 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. • Use a mix of contemporary and traditional coastal materials, textures and finishes, including render, timber, non-masonry sheeting, glazing, stone and brick. • Provide a fence or landscaping treatment to delineate the property boundary fronting the foreshore reserve. • Provide articulated roof forms to create an interesting skyline when viewed from the beach. 	<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

**WRITTEN STATEMENT for REQUEST TO BE HEARD
Planning and Amenity Delegated Committee Meeting on 12 July 2022**

ITEM 4.7: 1 Bay Street, Brighton, VIC 3186

- Our client consulted with their solicitor and agreed with the proposed the conditions 7, 8, 9.
- We are asking for condition 1a) to be rephrased as '**finished floor level of basement to be maximum 3.5 metres to the finished floor level of ground floor, as per DDO1**'.
- The reasons for the above request:
 - The proposed basement currently above natural ground level is 0.7m.
 - There are habitable rooms in the basement with highlight windows above.
 - There might be a water table issue.
 - The basement ramp has a tight vehicle head clearance to basement finished floor.
- In conclusion, our application is seeking for a permit of the construction of a roof deck. We strongly believe our proposed roof deck satisfies the requirements. It has minimum visual impact to the adjoining dwellings. It provides extra landscape on both ground floor, roof top and bringing a positive contribution to the neighbourhood character.

Thang LE
Director – ARC ZERO

Item 4.9	Objector (O) Supporter (S) Applicant (A)
4 Rosemary Road, Beaumaris	

1. Mrs Sue Raverty	(O)
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Dear Sir/Madam

I object to the planning permit application **4 Rosemary Road, BEAUMARIS, VIC 3193 (Ref: 5/2022/9/1 / Lot 86, Plan 005898)**

The architect, Derek Farrington, in his response to the objectors in relation to 4 Rosemary Road states that there is a wide variety of different facades in Rosemary Road and no consistent street scape pattern. This is true, it is also true that there is only one side by side development and all the rest, the majority of the residences, are single dwellings. Under Bayside Planning Scheme, B14 Access, the number of vehicle crossovers proposed does not respect the neighbourhood character. There will be 2 new crossovers constructed on a 15.24m frontage and the original one will be sealed and landscaped.

My primary objection is to the application for a planning permit to remove Tree 1, Small-leaved Paperbark, *Melaleuca linariifolia*, to allow construction of a second crossover for Unit 2, 4 Rosemary Rd.

This tree has been assessed by their arborist as in good condition and with a medium to high retention value. There is no arboreal reason to remove this tree.

The DESIGN RESPONSE-WRITTEN ASSESSMENT, (Advertised town planning report and c55.PDF) page 3, states that there are 2 street trees on the nature strip. There is only one.

I am very concerned that future medium density applications will also want street trees to be removed to make room for crossovers.

Loss of large canopy trees is inevitable when small blocks are redeveloped. Bayside's Urban Forest strategy is a step in the right direction but 2,200 small trees planted each year is just about equal to the 2 or 3 large trees lost when just one block is redeveloped. A large canopy tree has 1,000 times more leaf area than one that will be planted to replace it. So, 2,000 new trees are needed to replace the 2 trees removed from just one block in order to reduce the carbon dioxide in the air. Small trees cannot provide shade, habitat, cooling and visual amenity in the short term. The waiting time for a sapling to achieve a useful, functioning canopy would be 20-50 years.

I ask that this and all future similar planning applications be reviewed to find a way to achieve the desired outcome without resorting to removing a street tree which belongs to the whole community. I object to a planning permit being issued to remove this tree.

Photo of 4 Rosemary Road, Beaumaris taken on Thursday 7th July 2022 showing Tree 1.



Yours Sincerely,
Sue Raverty

Convenor Friends of Ricketts Point Landside
Bayside Environment Individual Award 2022

Planning Permit Application

4 Rosemary Rd BEAUMARIS

Ref 5/2022/9/1

Lot 86 Plan 0058898

Removal of a street tree to fit medium density side by side dwellings would create a precedent with enduring and unwanted consequences.

Not only do street trees take a long time to grow but they also have an early high attrition rate.

With the removal of a street tree there is a very significant loss of canopy and habitat for birds and insects .

The removal of the tree in Rosemary Road goes against Bayside Urban Tree Strategy.

Remove one and plant one is not a satisfactory way forward for Bayside.

Planning and Amenity Delegated Committee Meeting
Tuesday 12 July 2022

AGENDA Item 4.9

RE: APPLICATION NO. 5/2022/9/1, 4 Rosemary Road BEAUMARIS

PROPOSAL Construction of two dwellings on a lot and removal of native vegetation in a Vegetation Protection Overlay Schedule 3

OBJECTION

I wish to object to the recommendation that native vegetation (a maturing *Melaleuca linariifolia*) be removed from the nature strip in the construction of two dwellings at 4 Rosemary Road, Beaumaris.

The 24-year-old street tree (#1 on the plan) has heritage as well as natural value, having been planted by Beaumaris Conservation Society (BCS) volunteers in 1998, in a joint project between BCS, Bayside City Council, and Open Space Provider Manakau. It will arguably take up to 24 more years before its current canopy cover can be replaced by substitute planting.

Bayside Council has an Urban Forest Strategy that sets ambitious targets to improve retention and increase the number of mature canopy trees in Bayside. Further, the Minutes of the 17 August 2021 Ordinary Council Meeting carried a motion (10.2.1b.) to add an action to Theme 1 to read: "Undertake the strategic justification to amend the current Vegetation Protection Overlay in Beaumaris and Black Rock to strengthen protection of Native Vegetation and non-native species of existing canopy trees."

If carried, the officer's recommendations will allow every tree on the 4 Rosemary Road block and nature strip to be removed. The 5 trees on the block may not be currently protected by the VPO3 but the statements relating to 'retention value' ignore the fact that they may be useful as canopy in a broader community sense.

In particular, not only is the recommended removal of the *Melaleuca* contrary to the spirit of the Urban Forest Strategy, but it sets a poor precedent to justify the potential removal of older street trees at a time when communities and wildlife need their shade and habitat more than ever.

Sue Forster