

Requests to be Heard

14 February 2023

Planning and Amenity

Delegated Committee Meeting



Bayside
CITY COUNCIL

Requests to be Heard

14 February 2022 Planning and Amenity Delegated Committee Meeting

Item 4.1		Objector (O) Supporter (S) Applicant (A)
38 Haldane Street, Beaumaris		
Requests to Speak		
1.	Mrs Pauline Zielezna	(S)
2.	Mrs Elizabeth Byers	(A)
3.	Mr Leo Simon Byers	(A)

Item 4.3		Objector (O) Supporter (S) Applicant (A)
59 Tramway Parade, Beaumaris		
Written Statements		
1.	Mr Mason Moeini	(S)
2.	Mrs Vanessa Gashtasbi	(S)
Requests to Speak		
1.	Mr Mason Moeini	(S)
2.	Mr Joel Fredman	(A)

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1.	Ms Rosa Morstyn	(O)
2.	Mr Mark Stanojevic	(O)
2.	Mr Ben Cooke	(A)

Item 4.5		Objector (O)
49– 51 Abbott Street, Sandringham		Supporter (S)
		Applicant (A)
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1.	Mr Chris Winchester	(O)
2.	Mr Timothy Gunning	(O)
3.	Mr Paul Martin	(O)
4.	Ms Rosemary Raffaele	(O)
Requests to Speak		
1.	Mr Perry Bremner	(O)
2.	Miss Georgia McKay (on behalf of Owners Corporation 4987)	(O)
3.	Dr Warwick Pattinson	(O)
4.	Mrs Harriet Canwell	(O)

Item 4.6		Objector (O)
56 Graham Road, Highett		Supporter (S)
		Applicant (A)
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2.	Mrs Suzanne Henry	(O)
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1.	Ms Ivy McKenna	(O)
2.	Ms Dianne King (King Town Planning)	(A)

Item 4.7		Objector (O)
30 Beach Road, Beaumaris		Supporter (S)
		Applicant (A)
Written Statements		
1.	Mr John & Mrs Fay Weislemann	(O)

Item 4.8		Objector (O) Supporter (S) Applicant (A)
184 Esplanade, Brighton		
Written Statements		
1.	Mr Tim Wertheimer	(O)
Requests to Speak		
1.	Mr Paul Little	(A)

Item 4.9		Objector (O) Supporter (S) Applicant (A)
40A First Street, Black Rock		
Requests to Speak		
1.	Mr Kiril Jovanoski	(A)

WRITTEN STATEMENTS

Item 4.3

59 Tramway Parade, Beaumaris

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

1. Mr Mason Moeini

(S)

Dear Councillors,

**RE: Planning and Amenity Delegated Committee Meeting
Item 4.3 - 59 Tramway Parade, Beaumaris
Written Submission by Permit Applicant
Application 2022/485/1**

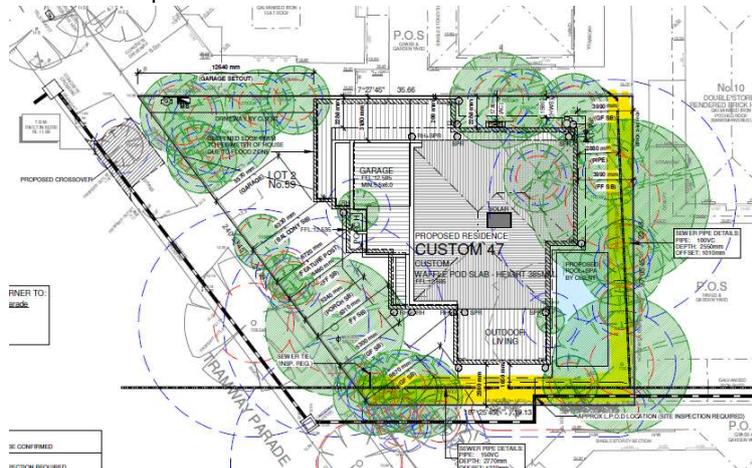
We are writing to you as the applicant for the planning permit application, and on behalf of the owners of the subject property, Vanessa Gashtasbi and Mason Moeini, who are seeking to construct their new family home on the property. We note for your reference that the application was advertised during November 2022 and that no objections were received to the proposed tree removal.

We concur with the recommendation of Council's Planning Department to support the removal of Trees 4, 5, 11 and 24, however we strongly disagree with the recommendation that Tree 12 should be retained.

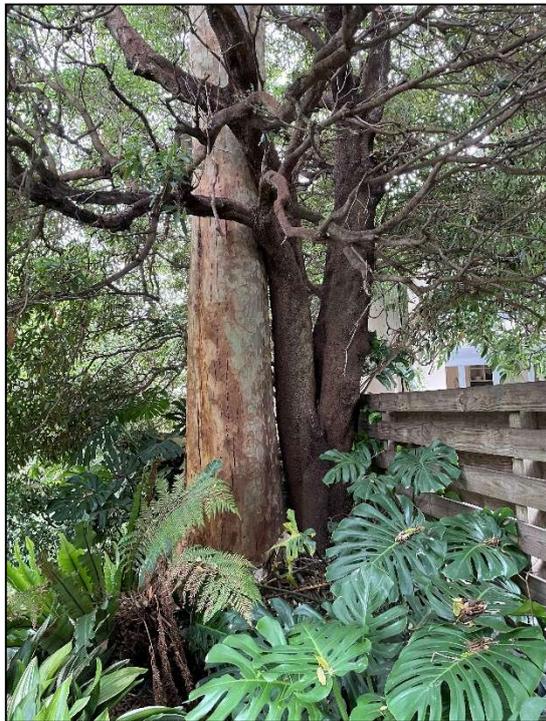
We wish to note the following information for your reference and to assist you in your favourable consideration of the removal of all of the trees forming the permit application:

With regard to Tree 12 – *Pittosporum undulatum* – Sweet Pittosporum

- The subject site is significantly constrained by its unusual shape and limited depth. The eastern boundary has a length of only 19.13m.
- The subject site is further constrained by easements which run along and within the northern and eastern boundaries of the site, with pipes located within both easements. The easements occupy 75m², or around 1/8th of the site area. See plan extract below:

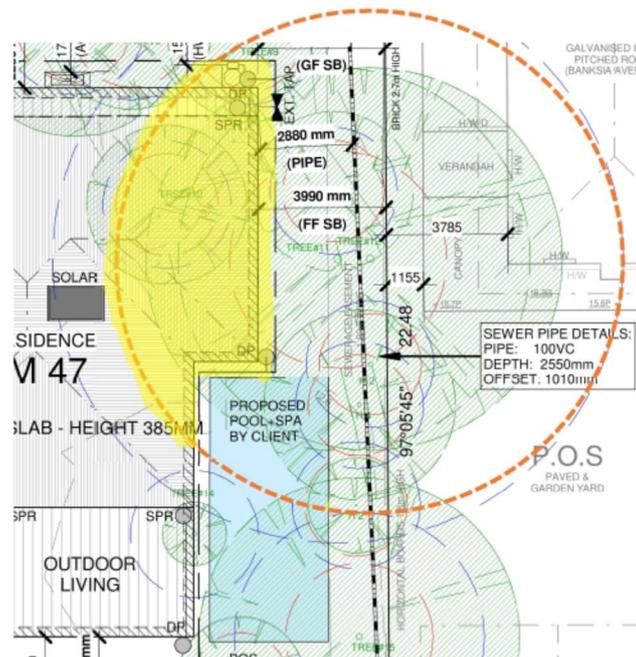


- These particular site characteristics serve to significantly impact on the space and opportunities available for the construction of a new dwelling on the property.
- Tree 12 has been identified in the Arboricultural Report accompanying the application prepared by TMC Reports, Arboricultural Consulting Services, as having a Fair/Poor structure, and being of Low Amenity Value and Low Retention Value. Additional photos of this tree are included below for your reference.



- The tree is located toward the rear northern boundary, within the existing easement and directly on top of the existing sewer pipe. Accordingly, the tree is not appropriately sited and could be causing damage to the existing sewer infrastructure by its roots.
- We note that the Sweet Pittosporum species is identified on Page 63 of Council's "Live Bayside Plant Bayside" document (<https://www.bayside.vic.gov.au/sites/default/files/2021-09/Live%20Bayside%20plant%20Bayside.pdf>) as being a "Pest Plant". Pest Plants are described as –
 - *When a plant thrives and invades an area where they do not naturally occur they are known as a pest plant, weed or invasive species.*
 - *Seeds and cuttings can be carried many kilometres by wind, water, tools, vehicles, clothing, pets, birds and animals. Plants can spread from people dumping garden cuttings in reserves and waterways.*

- *Pest plants are a problem because they out-compete indigenous plants for light, water and nutrients. In a short time they can replace indigenous plants, effectively removing the food source and habitat of local fauna.*
- *It is therefore important to know which garden plants are a problem in Bayside and avoid planting them or consider removing them if they are already in your garden. (emphasis added)*
- From Council's own documentation, the particular species of Tree 12 is considered by Council to be a Pest Plant, with Council advising that these should not be planted and should be considered to be removed from existing gardens. This tree is not indigenous to the area, and is inappropriate in close proximity of the neighbouring W F Vale reserve (100m) and Beaumaris foreshore (250m) which both contain numerous protected tree species.
- The tree has been identified as having a Tree Protection Zone (TPZ) of 7.8m, as illustrated below. Contrary to the comments of Council's Planning Dept in its recommendation that "its placement on the site (along the boundary) does not significantly preclude any future development on the site", the limited depth of the allotment and the large TPZ of this tree (Pest Plant) significantly and unreasonably impacts on the opportunities for the construction of a new dwelling on the irregular shaped block. The proposed 3 bedroom dwelling will be unnecessarily and unreasonably impacted if this tree has to be retained.



- This tree will not be visible from the street frontage once a double storey dwelling is constructed on the site, and will therefore not contribute to any streetscape amenity.

In summary, it is quite evident that the removal of this tree, which has been identified by the Consulting Arborist as having Low Amenity and Low Retention Values, and a Fair/Poor Structure; which is identified as being a "Pest Plant" in Council's own documentation and encouraged to be removed from gardens; and which, if retained, would significantly and unreasonably impact on the construction potential for a new family home on the subject site, should be supported by Council.

We appreciate your consideration of our additional written submission, and respectfully request your support for the proposal.

Please do not hesitate to contact either myself or Vanessa and Mason if you have any queries or would like to discuss any aspect of the proposal further.

Yours sincerely,

Joel Fredman
Director

Fredman Malina Planning Pty Ltd

Dear Councillors,

I, Vanessa Gashtasbi, am writing to you as the owner of the property relating to the planning permit application 2022/485/1. I agree with the recommendation of Council's Planning Department to support the removal of Trees 4, 5, 11 and 24, however, I strongly disagree with the recommendation that Tree 12 should be retained.

Mason and I are seeking to build a single dwelling at 59 Tramway Parade, Beaumaris as our family home. Our only child is in a local primary school in Beaumaris, and we would like her to continue her education with her friends at Beaumaris Secondary College. Our family plan is to replace the 1950s-built, unsafe, and unliveable dwelling at the property with an environmental-friendly and high energy rating house surrounded by indigenous canopy trees.

We are not a builder or developer to build a mansion or subdivide the land for a dual occupancy project to make a profit unlike the common trend in the area. As an Australian Citizen family that is currently under significant financial duress of managing two mortgages at the same time while interest rates keep going up, we cannot afford any further delays in the process of design, permitting and approvals for constructing a 3-bedroom house to live in. The emotional toll that we are sustaining is indescribable which has affected on every single aspect of our life.

Please note for your reference that the tree removal application was advertised in November 2022 with placement of the yellow sign notice at the property for more than two weeks. No objections were received to the proposed tree removal.

Based on our Builder's written advice and our Urban Planner's written submission, retaining both Trees 12 and 22 will destroy our dream of building a single 3-bedroom dwelling at the property. This is merely due to the odd shape of the block, sewerage easements, and tree locations (refer to our Urban Planner, Joel Fredman, written submission for strategic and technical reasons dated 10th February 2023).

None of the trees subject to this application are indigenous trees to the area. We, as per the proposed landscaping plan attached to the application, propose to replace the trees with indigenous canopy trees that provide visual amenity from the street.

Tree 12, Sweet Pittosporum, is a declared weed in Frankston, Mornington Peninsula, South Yarra and many other jurisdictions in Victoria and Australia. In fact, "[Live Bayside Plant Bayside](#)" document which is available on the Council's website describes it as a "Pest Plant". The same document has a note Pest Plants as to "consider removing them if they are already in your garden".

Extracts from pages 61 and 63 of "[Live Bayside Plant Bayside](#)" document available on Bayside City Council website are illustrated below:

<p>PEST PLANT</p>  <p>Sweet Pittosporum <i>Pittosporum undulatum</i></p> <p>Characteristics: Fleshy seed often spread by birds and animals.</p>	<h1>Pest Plants</h1> <h2>What is a pest plant?</h2> <p>When a plant thrives and invades an area where they do not naturally occur they are known as a pest plant, weed or invasive species.</p> <p>Seeds and cuttings can be carried many kilometres by wind, water, tools, vehicles, clothing, pets, birds and animals. Plants can spread from people dumping garden cuttings in reserves and waterways.</p> <p>Pest plants are a problem because they out-compete indigenous plants for light, water and nutrients. In a short time they can replace indigenous plants, effectively removing the food source and habitat of local fauna.</p> <p>It is therefore important to know which garden plants are a problem in Bayside and avoid planting them or consider removing them if they are already in your garden.</p> <p>The following section contains a small sample of Bayside pest plants. For a more extensive list of the many pest plants that threaten our plant communities visit: www.delwp.vic.gov.au and search 'weeds'.</p>
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As a mum and a State public sector employee, I do respectfully request your support for the proposal to grant removal of Tree 12.

Kind regards,

Vanessa Gashtasbi

Item 4.4 11–13 Black Street, Brighton	Objector (O) Supporter (S) Applicant (A)
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1. Mr Johannes Risseeuw	(O)
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To: Planning and Amenity Delegated Committee
Statement from the Owners of 9 Black Street regarding APPLICATION NO. 5/2022/110/1
 Black Street from the Middle Brighton train Station has ~30 properties, in the last 10 years we have seen ~18 properties redeveloped in our Street and while accepting of the changes due changes in relevant state laws we see this developed with proposed 23 apartments completely out of character with street; due to bulk, size and the material overdevelopment of location in addition with the increased material traffic due to the proposed 43 car parks in the development.
 We were disappointed after 15 objections, that a consultation meeting was held, and all objectors were disappointed during the meeting that the developer and in their written response made no attempt to address objectors concerns
 We know note the council resolves to grant a permit for the development with some minor conditions, but we do not believe the issues raised by all the objectors address our concerns

1. Impact of 13 Black Street is subject to Heritage Overlay

Asa can below (from the developers proposal), 13 Black Street is completely enveloped / overwhelmed to the rear & North of the proposed development. The design does not provide any relief to the Heritage dwelling. The development dwarf, envelope the retained heritage building & be visually dominated. While the council does make statement their no restrictions on number of dwellings and it is subjective view of integration we are baffled by how a development of this size integrated with this part of Black Street, the below photo clearly shows this. To be blunt it looks like resort size development in suburban Brighton.



2. Carparking

This is material increase in traffic in Black Street and while the carparking provide complies we believe this is one of largest proposed carparking developments in all of Brighton, which also will be accessed by a single lane. The impact on Black Street is daunting for all owners in Black Street. We did not define no stopping zone has been introduced this further reduces parking in Black Street generally



3. Rescode Non Compliance

We note the council has made some amendments to the development, but we do not believe all issues have been addressed and are still non-compliant

Set Backs – the 1st floor and cantilever over the ground floor at a setback of 8m the revise proposal; still does not reach the required 9.5m. This directly contradicts Neighbourhood character and Heritage policy seeking to recess upper story elements from the front façade.

Side & Rear setbacks North Side – the proposal seeks a variation on norther, easter and southern boundaries. As an example the north east setback is proposed at 1.8m in lieu of requirement of 3m & 5.59m. This will result in unacceptable visual bull impact. These non-compliances should be addressed, and variation not approved.

Overlooking – No 9 Black Street has 4 habitable windows; the development will be within 9m of the proposed balconies and windows at the first floor and above. The balconies are proposed across the entire 2nd floor with screening for 1 one apartment. There are multiple rooms 9 Black Street that will now have overlooking. Balconies have not been treated prevent overlooking this is unacceptable.

Set Back Ground Floor – the standard required a set back of 5.11m, what is proposed is 4.6m and proposed setback south facing open space is only 3.4 – 4.7m

Room Depth – we note 9 apartments do not comply with the standards, and this should be addressed. As apartments are being developed which no other development in Black Street have been approved. The standard should be applied consistently

4. Communal

The communal open space is not in accordance with standard 36, the open space is provided in front set back of the dwellings and this is not an appropriate design solution to satisfy the standard. As can be seen by the photo in the developer proposal, this is not an accessible, functional space and does not enhance development it is a thoroughfare to the front doors. Also the location of communal space would not meet the solar access standard 37



5. Impact on offsite trees

Refer below photo from developer, is significance free on 9 Black Street abutting the development, A root investigation should be provided prior to a decision justify the claims made by the arborist report. This tree is significant tree that provided amenity to 9 Black Street and wide street space. This issue has not be addressed, and photos provide to council give no view of impact on 9 Black Street trees



Item 4.5 49– 51 Abbott Street, Sandringham		Objector (O) Supporter (S) Applicant (A)
1.	Mr Chris Winchester	(O)
<p>Submission by, Mr C Winchester, owner and occupier of 54 – 56 Bamfield Street, Sandringham</p> <hr/> <p><u>1. Background</u></p> <p>On 28th November 2022, I lodged an objection to the proposed multi-unit development. I attach it as an Appendix.</p> <p>This written submission reiterates the main concerns raised in that objection.</p> <p>I confirm my opinion that the proposed development will place unnecessary and avoidable impacts on Gypsy Way particularly in terms of vehicular movements which are incompatible with the varied role of that thoroughfare, as well as at the intersection of Gypsy Way and Beaumont Street.</p> <p>My objection can be summarised in four grounds.</p> <p>1. Gypsy Way is much more than vehicular access to abutting properties It is heavily pedestrianised and has long formed part of the community social space as a meeting point for young and old and is a safe, low traffic mixed use space where children meet, ride bicycles and play.</p> <p>2. All vehicular access and egress from the development should not be via Gypsy Way and Beaumont Street, and the current proposal is a significant health and safety risk The development site has four existing crossovers in Abbott Street. Abbott Street is a safer option for site access and egress of vehicles.</p> <p>3. The Applicant’s traffic report concludes that more traffic in Gypsy Way is acceptable The Report acknowledges that the development will generate traffic at the rate of six vehicle movements per day, or a total of 162 trips (or 324 single trips). This significant increase need not occur in a rear lane which is unsuitable when the site faces a street capable of handling this additional traffic.</p> <p>4. Bicycle access is illogical The applicant’s traffic report notes that there is an on-road bicycle lane on Abbott Street, however the plans show that cyclists will be required to travel to Gypsy Way to access the bicycle parking facilities. This is illogical and inefficient.</p> <p>I request that the Committee recommends that the Applicant provides amended plans which</p> <ul style="list-style-type: none"> • modify the design so that vehicle and bicycle entry is from Abbott Street only, making use of one of the four existing crossovers, and therefore • retains Gypsy Way as a safe multi-purpose community space with no additional traffic. 		

Appendix: Original objection

What Gipsy Way means to local residents

Gipsy Way is a heavily pedestrianised area and is more considered a lane than a road. It has long formed part of the community social space as a meeting point for young and old.

It is currently being considered as part of the Bunurong Gipsy Way Art Walk, with up to 40 properties potentially participating as part of a community art project.

Gipsy Way is more than just a lane it is integral to the community on so many fronts:

- It is utilised all year round from Halloween to Christmas celebrations and spare off the moment BBQ events,
- It is a safe area where children play, be it riding on their bicycles, chalking the lane, playing basketball, or skateboarding on the various ramps that are set-up
- It's a safe, low traffic mixed use space since the bollards were introduced to reduce traffic volumes

Additional traffic

All on-site parking is in a single-level basement, with vehicular access to the site being via a single-width ramp from Gipsy Way near the western side of the site.

Gipsy Way extends from Beaumont Street (at its western end) to Nelson Street (at its eastern end). At a point just east of the proposed development there is a set of bollards which prevents through traffic. This means that all traffic generated by the development will access the on-site parking from Beaumont Street. Cyclists and pedestrians can approach the site from both directions along Gipsy Way.

It should also be noted that Bayside Playhouse and Occasional Care is located on Beaumont Street, between Gipsy Way and Abbott Street, thus Beaumont Street is already congested during peak hours of the day. This will only further impact the congestion, which has not been considered in the application.

The applicant's traffic report (Ratio, 19/09/2022) includes a traffic survey of turning movements at the Beaumont Street / Gipsy Way intersection between 7.00am and 7.00pm on 29 July (p.9). The report only provides turning movement counts at the two peak hours of 8.30 – 9.30am and 3.15 – 4.15pm. A total of 19 vehicular movements were recorded during those two hours. Despite the survey being conducted over a 12-hour period, no information is provided for total vehicle movements over that period.

The report states (p.20) that, for a development of 27 apartments (10 two bedrooms and 17 three bedrooms) and a total of 54 car spaces, the development will generate traffic at the rate of six vehicle movements per day, or a total of 162 trips (or 324 single trips). Table 8.1 states that during the two peak hours a total of 32 trips will occur.

While it is likely that several of the existing 19 trips are due to the existing dwellings on the site, an increase from 19 to 32 trips in the two peak hours represents a 68% increase in vehicle movements, this I believe is considerable.

Given the lack of data in the report, it can only be assumed that a similar proportional increase in traffic in Gipsy Way will occur throughout the day; due to just one development.

A single width ramp into the basement is proposed. This means that there will be vehicles waiting to enter the ramp, adding to the potential safety issues, as noted previously, there is significant pedestrian footfall in this lane and the increase in vehicles with no dedicated footpath, will undoubtedly lead to incidents.

The significant increase in vehicle movements is against the evolving character of this public space, and reinforces a traffic-oriented impression rather than one of a predominantly pedestrian environment.

The report concludes that *“the level of traffic generated by the proposed development is considered to be relatively modest and is not expected to create any adverse impacts on the safety or operation of Gipsy Way ...”*. This statement is not supported by any evidence regarding the non-vehicle uses that occur in Gipsy Way and, neglects the significant increase in vehicle movements that the traffic survey acknowledges.

Furthermore, it should be noted that only three vehicles from 49 – 51 Abbott Street currently can use Gipsy Way for parking, all other properties (on 49 & 51 Abbott Street) do not have access for parking on Gipsy Way. The increase of the planned **54 vehicles** (excluding any increase volume due to waste collection, service vehicles etc.) represents an **1800% increase in vehicle traffic**. This area is not designed for this and ultimately there will be impacts upon pedestrians, which I urge council planning to consider. Please see below pictures of two vehicles attempting to pass each other, with pedestrians also walking pass.



Vehicle conflicts in Gipsy Way

The traffic report states (p.8) that Gipsy Way has a carriageway width of 5.0 metres. The report also notes that the one-way accessway ramp into the basement car park has a width of 3.0 metres. This suggests that a 5.0-metre-wide carriageway is insufficient for the passing manoeuvres of two vehicles which will be very difficult, particularly in the presence of cars turning into and out of garages, pedestrians and other users of Gipsy Way. A swept path diagram (in Appendix A) shows the tightness of the access ramp and the space within Gipsy Way for a 1.7 metre wide waste collection vehicle.

Bicycles

Secure parking for 11 bicycles is provided in the basement, at an inconvenient location remote from the access ramp. All bicycle users (residents and visitors) will use this facility or, more conveniently, will leave bicycles near the front of the building either at the entrance or on the nature strip. No bicycle access to the bicycle parking area is available from Abbott Street. As noted in the traffic report (p.12) there is an on-road bicycle lane on Abbott Street. To not take advantage of this signed approach route for cyclists, is a deficiency of the design and should be reconsidered.

An alternative access to the basement

Currently the double site has four crossovers from Abbott Street. Given the slope of the street, the use of the westernmost crossover for access to the basement has design and operational merit.

To relocate the ramp to the Abbott Street frontage would:

- Significantly reduce vehicle traffic in Gipsy Way and **protect pedestrians**
- Allow Gipsy Way to become a better and safer communal space, than a vehicle-dominated laneway
- Locate vehicles onto the higher order road as the vehicular access point to the site
- Provide a clearer entry point for vehicles and bicycles, particularly visitors and deliveries
- Not adversely affect the multi-purpose role of Gipsy Way as a pedestrian thoroughfare where people gather, children ride bikes and play in safety.

Conclusion

Paragraph 8.2 of the "Transport Impact Assessment Report" for the proposed development 49 – 51 Abbott Street, states:

"In consideration of the operation and type of roads within the immediate proximity to the site, including the ability of Gipsy Way to accommodate simultaneous two way vehicle movements, and the relatively modest level of traffic generated by the proposed development, particular given the reduction in traffic generated by the existing eight dwellings.....,"

This statement is not factually correct only three dwelling with 1 vehicle each, utilise Gipsy Way. An 1800% increase (calculation based on 3 to 54 vehicles using Gipsy Way) is not modest nor acceptable in this environment, not considering the heavy pedestrian footfall.

I respectfully request that these plans are not approved in their current submission and instead the carpark entrance and exit is relocated to Abbott Street, in the meantime I believe to support this relocation, the following should be provided / performed:

- 1) A full provision of all vehicles using the lane on the 29th July 2022 is to be provided;
- 2) A detailed assessment of the safety and potential impact upon pedestrians currently using Gipsy Way is performed, with consideration towards multiple vehicles passing each other while pedestrians are using the road, with no safe footpath provided
- 3) An assessment of the ability for two vehicles to enter and exit Gipsy Way, during peak hour with drop off for the Bayside Playhouse and Occasional Care taking place.

2.	Mr Timothy Gunning	(O)
<p>I strongly oppose the building application on the following grounds:</p> <p>Safety Concerns - Gypsy Way is very much a laneway used by all the community, not just residents that have vehicle access. School children, walkers (plus dogs), commuters and cyclists, use it regularly. There is enough room for one car and not enough for two to pass safely, when taking into consideration the addition of pedestrians. Please note there is no separate path for walkers or cyclists.</p> <p>I worry about the T junction at the bottom of Gypsy Way as it is a blind spot for drivers entering Beaumont St, where there is a Playhouse Centre. This is a very busy area where young children are being dropped off. An increase in traffic would increase the risk of potential accidents.</p> <p>Built Environment - the proposal would adversely impact on the current living environment in the Gypsy Village and is not in keeping with the current existing street scape.</p> <p>It would directly impact those living close to it because of the scale and height proposed. Many residents backing onto the laneway have their living rooms, dining rooms and bedrooms facing towards the laneway as well as gardens and pools that could be overlooked from level 3 of the building and the roof top terrace. This would directly impact their privacy. From our perspective, we feel very uncomfortable at the potential prospective of people being able to see directly into our living spaces.</p> <p>The sheer scale of the proposal is not in keeping with the natural environment in Sandringham. If you look around it is the trees that the community enjoy and look upto in Sandringham, not multi storey buildings.</p>		

Submission by, Mr P Martin, owner and occupier of 50 Bamfield Street, Sandringham

Overview:

An objection notice was previously lodged to the proposed multi-unit development at 49-51 Abbott Street, Sandringham.

An objection was lodged for the following reasons:

1. The proposed development is not consistent with the current housing style, zoning or general environment of the historic gypsy village.
2. The proposed development will increase the traffic in the lane way, and pose a risk to pedestrians, commuters on bicycles and kids that play in the lane way.
3. The height and number of proposed dwellings will create privacy concerns for the neighbors on the opposite side of the lane way.
4. The proposed height and size of the proposed development will cause significant financial impact to the value on my property due to blocking of views out to the bay and will be an eyesore with a huge development towering over the backyard and outlook.
5. City of Bayside has been extremely strict on what the neighboring properties could do we each of us renovated our properties but seems to be a completely ignore the building requirements when considering this development.
6. The sheer size and duration of construction of such a large development will disrupt all neighboring properties.

Consistency of Housing:

The area of the historic Gypsy Village primarily consists of single and double story dwellings and is not represented by high density living.

The appeal of this area is the leafy family style environment, not 4 story high density living. The proposed development is not consistent with the current housing style for the area and will detract from the area. The zoning is not for high rise / high density living and such change will destroy the value an appeal of the area.

Increased Traffic:

The plan to have access to high density living from a quiet, mixed use lane way is outrageous, when there is access to a major road on the other side of the development.

The lane way is used by the residents of Bayside who walk animals, ride bikes, let kids play etc. To significantly increase the traffic volumes into a small lane way will not only destroy the appeal of such an important community laneway but also place animals, people and especially kids at risk from heavy traffic use in the lane.

Privacy Concerns

The proposed 4 storey high density building, with roof and entertainment areas will create privacy concerns to the neighboring properties. Currently, there are no towering monstrosities in our outlook from our backyards, however there is grave concerns that post this development, we will lose all privacy with our backyard and pool area being the focal point for the apartments and entertaining areas of all these apartments built significantly higher than our boundary fences.

Financial Impact:

The proposed development, which will significantly exceed the height of other dwellings in the area (capped at 2 stories) will have a major financial impact on the value of my property and the other neighbors.

A 4 storey building will completely block all views from my second story out to the bay and surrounding area. My property is in an elevated position, so 2 story developments, which is maximum height in the area would not have an impact on my property. However, the excessive height being proposed by this development will not only wipe out my current outlook to the bay, but will replace it with an normal eyesore.

The same goes not only to the second storey outlook and the views and sunsets from my lounge room and back yard will be replaced with an outlook of a enormous high density dwelling. This will cause material financial impact to the value of my property, which should be compensated by the Council and/or developer if approving a dwelling not appropriate to the area, which was not allowed to be developed / comply with building regulations at the time of purchasing the property at the valuation paid for the property.



Building Regulation:

Bayside Council has very strict building regulations which most residents have felt when trying to undertake renovations at our homes.

This proposed development is an insult to the neighboring properties when Bayside Council has applied such stringent regulations to each of us but would appear to be ignoring any such regulations when assessing this development. Bayside should be taking a consistent approach when assessing these applications.

There was such strong focus on any renovations remaining consistent to the neighboring properties and the appeal of the street frontage. I cannot see how Bayside Council could possibly

believe that this proposed property would be consistent to the neighboring properties in the historic Gypsy Village.

Construction Impact:

The size of this development in a quiet family neighborhood will have significant impact on the neighbors as a result of noise, traffic, access to the laneway etc. This will be a long and large scale development which will impact the area for a long period of time.

Conclusion:

As a resident of Bayside Council, I am extremely shocked that the planning department would even entertain such a development in this location and can honestly think that it fits in the with the neighboring properties.

This proposed development will not only destroy the appeal of the area but will have a material financial impact to the neighboring properties. The development will significantly increase traffic in what is currently a quiet laneway and place children and animals at risk.

I do not understand how this property could comply with the stringent building regulations that all other residents have to comply with.

I would like to understand why Bayside would consider such development and what incentives the developer has offered the council in return for considering the development application.

4.	Ms Rosemary Raffaele	(O)
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Dear Committee Members,

I am an original objector to the Building Permit Application for 49 - 51 Abbott Street Sandringham.

I am an owner and resident of 57 Abbott Street Sandringham a double storey timber resident under Heritage Protection Overlay.

I have been a resident at this address for 28 years since 1995.

My property has rear access to Gypsy Way which I and other local Bayside residents use most days for walking, cycling to and around the Bayside area and for access to rear carports.

Children in the area ride and walk along Gypsy Way to school and to the Playhouse on Beaumont street.

Commuters to the train station and bus stops use Gypsy Way.

Gypsy Way is the natural extension of Vincent street which extends from Bluff road.

I respectfully and earnestly request a permit not be granted at this stage for the following reasons:

Traffic Assessment

The applicant's traffic report (Ratio, 19/09/2022) includes a traffic survey of turning movements at the Beaumont Street / Gipsy Way intersection between 7.00am and 7.00pm on 29 July (p.9). The report only provides turning movement counts at the two peak hours of 8.30 – 9.30am and 3.15 – 4.15pm. A total of 19 vehicular movements were recorded during those two hours. Despite the survey being conducted over a 12-hour period, no information is provided for total vehicle movements over that period.

The report states (p.20) that, for a development of 27 apartments (10 two bedrooms and 17 three bedrooms) and a total of 54 car spaces, the development will generate traffic at the rate of six vehicle movements per day, or a total of 162 trips (or 324 single trips). Table 8.1 states that during the two peak hours a total of 32 trips will occur.

While it is likely that several of the existing 19 trips are due to the existing dwellings on the site, an increase from 19 to 32 trips in the two peak hours represents a 68% increase in vehicle movements, this I believe is considerable.

Given the lack of data in the report, it can only be assumed that a similar proportional increase in traffic in Gipsy Way will occur throughout the day; due to just one development.

A single width ramp into the basement is proposed. This means that there will be vehicles waiting to enter the ramp, adding to the potential safety issues, as noted previously, there is significant pedestrian footfall in this lane and the increase in vehicles with no dedicated footpath, will undoubtedly lead to incidents.

The significant increase in vehicle movements is against the evolving character of this public space, and reinforces a traffic-oriented impression rather than one of a predominantly pedestrian environment.

The report concludes that *“the level of traffic generated by the proposed development is considered to be relatively modest and is not expected to create any adverse impacts on the safety or operation of Gipsy Way ... ”*. This statement is not supported by any evidence regarding the non-vehicle uses that occur in Gipsy Way and, neglects the significant increase in vehicle movements that the traffic survey acknowledges.

Furthermore, it should be noted that only three vehicles from 49 – 51 Abbott Street currently can use Gipsy Way for parking, all other properties (on 49 & 51 Abbott Street) do not have access for parking on Gipsy Way. Using the traffic report’s numbers, this equates to 18 vehicle movements per day. The increase of the planned **54 vehicles** (excluding any increase volume due to waste collection, service vehicles etc.) to a total of 324 movements represents an **1800% increase in vehicle traffic** generated by this development. Gipsy Way is not capable of handling this increase and ultimately there will be impacts upon pedestrians, which I urge council planning to consider. Please see below pictures of two vehicles attempting to pass each other, with pedestrians also walking past vehicles.

The traffic conditions of the laneway were made 'no standing' either side as congestion has been a prominent issue. Any vehicle left standing inappropriately or any vehicle larger than a car size causes traffic to be banked up. This has been an issue for those residents who's only off street parking is via the laneway.

Vehicle conflicts in Gipsy Way

The traffic report states (p.8) that Gipsy Way has a carriageway width of 5.0 metres. The report also notes that the one-way accessway ramp into the basement car park has a width of 3.0 metres. This suggests that a 5.0-metre-wide carriageway is insufficient for the passing manoeuvres of two vehicles which will be very difficult, particularly in the presence of cars turning into and out of garages, pedestrians and other users of Gipsy Way. The access ramp and the space within Gipsy Way for a 1.7 metre wide waste collection turn requirement is very tight.

“In consideration of the operation and type of roads within the immediate proximity to the site, including the ability of Gipsy Way to accommodate simultaneous two way vehicle movements, and the relatively modest level of traffic generated by the proposed development, particular given the reduction in traffic generated by the existing eight dwellings.....”

This statement is not factually correct as only three dwellings with 1 vehicle each, utilise Gipsy Way. An **1800% increase** (calculation based on 3 to 54 vehicles using Gipsy Way) is not modest nor acceptable in this environment, not considering the heavy pedestrian footfall.

I respectfully suggest the following further assessments be performed and provided.

- 1) A full provision of all vehicles using the lane on the 29th July 2022 is to be provided;
- 2) A detailed assessment of the safety and potential impact upon the number of pedestrians currently using Gipsy Way should be performed, with consideration towards multiple vehicles passing each other while pedestrians are using the road, with no safe footpath provided;
- 3) An assessment of the ability for two vehicles to enter and exit Gipsy Way, during

peak hour with drop off for the Bayside Playhouse and Occasional Care taking place.

Sustainability

A sustainability report was submitted by the Permit

Applicant. It States the following under the section titled

Transport:

“To ensure the built environment is designed to promote the use of walking, cycling and public transport in that order. To minimise car dependency. To promote the use of low emissions, vehicle technologies and supporting infrastructure.”

The above criteria has not been met. The plans submitted reflect 11 bicycle spaces for 27 apartments and visitors, 54 allocated car spaces and only 1 electric power station for cars.

The report states under Urban Ecology:

“To encourage provision of space for productive gardens”. This statement is not reflected in the plans.

Parking Abbott Street

Residents of existing apartments built in the 60's and 70's, flats, villa units included, have inadequate parking arrangements by today's standards and are forced to park on Abbott Street. Abbott street is 2 hour parking on the north side and all day parking on the south.

Residents already have difficulty parking close to their homes.

Abbott street south side parking is currently used for visitor parking, tradespeople, commuters from Sandringham Station and long term parking for extra vehicles with Abbott street addresses.

Increased parking requirements for visitors to the proposed development have not been addressed. Some apartments have three bedrooms which could also relate to extra car parking needs.

Overlooking

The proposed development of 3 storeys, with a viewing deck, overlooks many local family homes, gardens, pool and entertainment areas. These properties are on both the north and south side of Abbott street and Bamfield street.

Frosting of windows and glazed balcony areas should be specified and the viewing deck should have restricted views.

Noise control

Noise control from the viewing deck has not been addressed.

In closing, I again respectfully request a Permit not be granted until further reviews and assessments have been conducted and presented.

My ideal would be to see the development restricted to two storeys only therefore satisfying some traffic and overlooking concerns.

Kind regards,

Rosemary

Raffaele

Item 4.6		Objector (O) Supporter (S) Applicant (A)
56 Graham Road, Highett		
1.	Miss Kirsti Viitala	(O)
<p>1) BOUNDARIES AND SETBACKS CONTRADICTING ITS USE AND PLANS:</p> <p>- The proposed plan have indicated that the side boundary is along Thistle grove and front entry is to be Graham road, therefore the plan is requesting that the setback for the proposed development to be relative to graham rd. This completely contradicts the requirements for the 4 out of 5 units to have main entry onto Thistle grove, basically using the convenience of the side boundary and yet having setbacks be further forward without adhering to the current setback of other properties on Thistle Grove with front entry onto Thistle Grove. How is it possible that this development is allowed to have front entry onto Thistle Grove and be assigned the addresses of our existing properties (advised by the Senior Data Officer, Peter Hatley), without adhering to the setback boundaries rules for this street. This proposal have caused an unfair request for re- addressing and re-purposing of my property and my neighbours. I am objecting to this contradiction and what appears to be additional concessions being provided to the developer while causing a disadvantage to current rate paying residences of Thistle Grove. The setback of any property using Thistle Grove as front entrance should be in accordance with existing properties on Thistle Grove. Alternatively, an entry way should be provided from Graham Rd, while maintaining the side boundary for the entire development with no entry onto Thistle Grove, therefore avoiding the need for neighbouring or other properties on Thistle Grove to be re- address.</p> <p>2) CONGESTIONS, PARKING ISSUES AND HIGH TRAFFIC ON THISTLE GROVE - existing constructions have caused our off street parking with enough disruptions, ie. cars from construction workers blocking driveways, parking too close to driveway boundaries or other vehicles, disrupting the ability for residences to exit or enter the driveway safely without potentially causing accidents. I have witnessed on numerous occasions, emergency vehicles, delivery drivers, rubbish and recycling trucks having difficulties accessing current properties, resulting in delays or sometimes unfinished pickups or deliveries. Lastly, the state of the current parking situation makes it extremely difficult for residence to have visitors park and access their homes. With this proposed development adding to the mix to other approved developments, any construction which involves heavy vehicles access and increasing of workers onsite, will cause much more disruption. Thistle Grove will not be accessible for the most necessary and basic of community living needs unless proper traffic plans or parking plans are presented and discussed prior to approvals by the councils.</p> <p>3) POTENTIAL DEADLOCK OF TRAFFIC and SAFETY ISSUES for THISTLE GROVE:</p> <p>A question I would like answers to is, "What is the current traffic management plan for entry and exit for the CSRIO property development, assuming that the entry for large vehicles that may require a single lane to be blocked would logically be only via the entry closest to Bay rd and not the entry closest to Highett rd. With other existing development further down towards Bay Rd (Retirement Village and units next to the village currently starting), the same requirements to close one lane for access of their large vehicles will continue to create havoc for access via Bay rd onto Graham road</p>		

(and vice versa). If 56 Graham rd were to begin development while the existing developments are still ongoing, what is the council traffic management plan to ensure a well coordinated lane closure requirements between all the developments, avoiding any potential deadlock of traffic for Thistle Grove to exit or enter the street. Keeping in mind that congestions currently already exist on Graham rd due to the issues surrounding the rail crossing on Highett rd.

**Written Statement: Objections to Planning proposal 5/2022/453/1
Suzanne HENRY, Owner of 1C Thistle Grove Highett.**

Statement 1

CONGESTION, PARKING ISSUES and HIGH TRAFIC ISSUES ON THISTLE GROVE

Existing property developments have caused off street parking difficulties. Cars from construction workers have blocked driveways, cars are parked too close to driveway boundaries, vehicles are parked too close to driveway entrances leaving it difficult for those who reside in Thistle Grove to enter or exit safely without causing accidents. Emergency vehicles, delivery drivers, rubbish trucks and recycling trucks have difficulty accessing current properties resulting in delays in deliveries and pickups. The state of the current parking makes it extremely difficult for Thistle Grove Residences to have visitors park and access their homes.

This proposed development of 56 Graham Road, if approved, will add to all the other nearby approved developments which involve the use of heavy vehicle access and an increase of in-site workers, will cause an increase in the disruption already experienced within Thistle Grove.

Thistle Grove will not be accessible for basic community living needs unless proper traffic plans are considered by The Bayside council prior to this new subdivision approval.

TRAFFIC AND SAFETY ISSUES AT THISTLE GROVE

The CSIRO development is nearby to Thistle Grove. The approved development of the Retirement Village off Graham Road, now has large vehicles which access via Bay Road to Graham Road and vice versa. If the 56 Graham Road proposal is approved by the council is there a council traffic management plan for all nearby developments?

Statement 2

BOUNDARIES

This development proposal once approved will cause an unfair request for the re-addressing and re-purposing of my property (currently IC Thistle Grove) and that of my neighbours.

The proposed plan indicates that the side boundary is to be along Thistle Grove and the front entry is to be along Graham Road. Therefore, the plan is requesting that the 'setback' of the proposed development to be relative to Graham Road. This contradicts the requirements that four of the five units have main entry from Thistle Grove. This means that these proposed units will have the convenience of the side boundary (to be Thistle Grove) but having their 'setbacks' to be further forward and not adhering to the current 'setbacks' of other properties with front entry into Thistle Grove and not adhering to the 'setback' rules for Thistle Grove.

I am objecting to this contradiction which with the council approval of this subdivision will cause a disadvantage to the current rate paying residences of Thistle Grove.

The 'setback of any property using Thistle Grove as front entrance should be in accordance with the existing properties on Thistle Grove

Alternatively, an entryway could be provided from Graham Road while maintaining the side boundary for the entire development with no entry from Thistle Grove, therefore avoiding the need for neighbouring or other properties to be readdressed.

Statement 3

NATURAL SUNLIGHT / ASPECTS/ SHADOWING.

Concern has been expressed by the owner of the 1A Thistle Grove property with regards to the shadowing of the current proposal for the development of 56 Graham Road.

The property at 1A Thistle Grove may be shadowed by the proposed two level constructions which may cause shadowing over the roof top of the current 1A Town House and impact the efficiency of collection of solar panels as a heat source,

NB A letter of objection to the renumbering of Thistle Grove as a consequence of the Bayside Council approving to current Development Plan of 56 Graham Road was sent on behalf of the four residents of 1 Thistle Grove on 8th of February, 2023 to Peter Hatley, Senior Data Officer, Bayside City Council

Item 4.7		Objector (O) Supporter (S) Applicant (A)
30 Beach Road, Beaumaris		
1.	Mr John & Mrs Fay Weislemann	(O)
<p>Reference: Objection TO PROPOSED DEVELOPMENT AT 30 BEACH RD BEAUMARIS 5/2022/274/1</p> <p>Dear City of Bayside,</p> <p>I am a Cliff Grove resident residing approx 2 houses away from the proposed development with my wife and Daughter.</p> <p>The proposed building at no. 30 Beach Rd, Beaumaris is grossly non compliant and has no regard to neighbouring properties, public amenity and City of Bayside development standards. Please refer to below listed non compliances:</p> <ol style="list-style-type: none"> 1. Front setback is grossly non compliant at 5.72m & 6.32m. This will make the entry/exit off cliff grove feel confined. The setback needs to be setback further circa 2-2.5m to be in line with the neighbouring building at no.31 beach rd – and lining up the with a balcony that is not roofed at no.31 will not comply either. 2. Side setbacks to first floors are also grossly non complaint to both Bayside and Rescode standards. Furthermore a 2m side setback to the solid balcony that is fully roofed fronting cliff grove/beach rd which is 8m high at the cliff grove/beach rd corner is ridiculously non compliant, visually overbearing and obstructive to Cliff Grove neighbour's views (visual easement) of Beaumaris reserve & foreshore through Cliff Grove and also at a pedestrian level. 3. There is a highly non compliant 3 storey 8.95m facade (Bayside 2 storey/8m height limit) with just a 3.05m setback from Cliff Grove - the 3rd storey contains stairs, windows. 4. Tree 1 Street Tree – a large percentage of the TPZ is covered by swimming pool & outdoor entertainment paving, this area should be permeable. 5. The proposed streetscape view Drawing No A109B Steetscape Elevation is not to scale and levels of streetscape and proposed neighbouring buildings are incorrect. 6. Drawing A110 Shadow Diagram does not show new shadows highlighted in red as per the Legend. Further shadows should be required to display shadows cast over No 31 Beach Rd Beaumaris which is situated to the south east of the proposed development and has multiple habitable room windows overshadowed. Shadow no.3 at 3pm cast from the proposed development fails to show barely a shadow which is not believable when cast from a structure that has a non compliant side setback of 2m from the boundary on the first floor. <p>Furthermore the shadow to the streetscape is excessive given the overall height of 8.95m with only a 2m setback from Cliff Gve boundary.</p> <ol style="list-style-type: none"> 7. The planning application does not reference the 2m high fence along Cliff Grove and its footing impact on street tree 1 and 2 TPZ nor the lift shaft or roof top deck or exceeding overall height limit. <p>With regards John and Fay Weislemann Cliff Gve Beaumaris</p>		

Item 4.8 184 Esplanade, Brighton		Objector (O) Supporter (S) Applicant (A)
1.	Mr Tim Wertheimer	(O)
<p>To Whom It May Concern,</p> <p>Our only objection is:</p> <ol style="list-style-type: none"> 1. The existing car port is no longer a car port and it would be impossible to fit any car whatsoever into that area. The current owners changed that area in April 2019 when they employed Kiama & Stephen Lloyd (co-owner) to significantly reduce the size of the swimming pool and relocate the pool and pump equipment to what was then a car port. <p>Council are aware of this work as there was a requirement to obtain lane way access off Victoria Street for a cement truck and a 18 cubic metre roll on/off skip.</p> <p>It is worth noting that the laneway was damaged during work managed by Kiama that was never repaired. At the time, Council were notified. Consequently, we want to highlight if the proposal is approved that this lane is only used by vehicles of relevant residents. There have been too many incidents in the past whether it was the development of 180-182 The Esplanade or Kiama at 184 The Esplanade that the lane way was blocked or paling fences damaged or the road cracked/ crushed.</p> <p>The proposed plans do not identify the pool nor do they show the pool and pump equipment in the former car port. In addition, there are a number 2.5 metre trees in the former car port.</p> <p>That then asks the question why is there a proposed “new roof” to the former car port and what does it even look like?</p> <p>Kind regards</p> <p>Tim Wertheimer.</p>		