

Requests to be Heard

10 October 2023

Planning and Amenity
Delegated Committee Meeting

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Item 4.1	Objector (O) Supporter (S) Applicant (A)
1 Erowal Street, Beaumaris	Objector (O) Supporter (S) Applicant (A)
Written Statements	(Page 5)
1. Mr Stuart Carmichael	(A)

Item 4.5	Objector (O) Supporter (S) Applicant (A)
7 Albert Street, Brighton	Objector (O) Supporter (S) Applicant (A)
Written Statements	(Page 6)
1. Ms Margot Buckley	(O)
2. Mr Nicholas Crawford (for Mr Lachlin Hughes and Family)	(O)
Requests to Speak	
1. Mr Stefan Bettiol	(A)

Item 4.6	Objector (O) Supporter (S) Applicant (A)
165-167 Tramway Parade, Beaumaris	Objector (O) Supporter (S) Applicant (A)
Written Statements	(Page 12)
1. Ms Annie Price	(O)
2. Dr Lisa Cabrita	(S)
3. Mr Matthew Rastocic	(S)
4. Mr Andrew Rastocic	(S)
5. Mr John Danckert	(S)
6. Mr Chris & Mrs Monica Papasavva	(S)
7. Mrs Katrina & Mr Senko Rastocic	(A)
Requests to Speak	
1. Mr Garreth Wilson	(O)
2. Mr Matthew Rastocic	(S)
3. Mr Senko Rastocic	(A)
4. Mr Bruce Keen	(A)

Item 4.7		Objector (O) Supporter (S) Applicant (A)
23-25 Linacre Road & 1A Deakin Street South, Hampton		
Written Statements		(Page 23)
1.	Mr Damien Cooke & Ms Rosey Horvat	(O)
2.	Mr Adam Haines	(A)
Requests to Speak		
1.	Ms Clare Jennings	(O)
2.	Mrs Sandra Johnson	(O)
3.	Ms Kathryn Taylor	(O)
4.	Mr Adam Haber	(O)
5.	Mr Shem Kelder (for Fender Katsalidis)	(S)
6.	Mr Stephen Barrow-Yu	(A)
7.	Mr Adam Haines	(A)

Item 4.9		Objector (O) Supporter (S) Applicant (A)
211 Balcombe Road, Beaumaris		
Requests to Speak		
1.	Alex Havkin	(S)
2.	Mr Peter Kromlidis	(A)

Item 4.10		Objector (O) Supporter (S) Applicant (A)
212-216 Bay Road, Sandringham		
Requests to Speak		
1.	Ms Claire Helfer	(A)

WRITTEN STATEMENTS

Item 4.1 1 Erowal Street, Beaumaris	Objector (O) Supporter (S) Applicant (A)
1. Mr Stuart Carmichael	(A)
<p>Dear Sir/Madam,</p> <p>I am writing in reference to the above application for tree removal on my property. I am concerned in particular of the Lilly Pilly tree at the rear (Tree 11 in arborist report), it is situated on the fence line of the neighbouring property at 224A Reserve rd.</p> <p>Some of the following reasons for removal are;</p> <ol style="list-style-type: none"> 1. I have measured the base of the trunk to be closer than 2 metres to the neighbouring dwelling. 1980mm to be precise. I am concerned I could be liable for any future structural damage of the dwelling. 2. As per the arborist report attached to the initial application, the tree is of moderate retention value with minor structural defects. 3. Damage to the sewer main situated in the easement between the tree and the dwelling. 4. The tree is not native to Victoria. 5. The tree has extremely thick foliage which does not allow light to penetrate at all. <p>I am asking for your acceptance to remove this tree so that I may plant something more suitable in its place and not as close to the structure. I would prefer to grow a native to Victoria, Eucalyptus or similar, this would allow me to introduce a root protection barrier as well as having a tree that allows some light through.</p> <p>Kind regards,</p> <p>Stuart Carmichael.</p>	

Item 4.5 7 Albert Street, Brighton	Objector (O) Supporter (S) Applicant (A)
1. Ms Margot Buckley	(O)
<p>SUBMISSION TO COUNCIL MEETING IN RELATION TO APPLICATION AT 7 ALBERT STREET, BRIGHTON. 5/2023/128/1</p> <p>My detailed objection to this application has been submitted to the Council’s planning department with further comment made when the applicant submitted amended plans. I also participated in the online mediation meeting.</p> <p>Unfortunately whilst there has been some improvement in the proposal, I consider it is still inappropriate for the site.</p> <p>There is no recognition of the strategies and guidelines of the Bayside Planning Scheme first endorsed from the <i>Neighbourhood Character Review of 2004</i> and still enshrined in Clause 15.01 ‘Built Environment’ of the Scheme.</p> <p>The Site is within Area C1, the relevant strategies including:</p> <ul style="list-style-type: none"> • <i>Retain wherever possible dwellings from the pre World War 2 era that are intact, in good condition and contribute to the valued character of the building area;</i> • <i>Retain the front of valued existing dwelling and alterations and extensions and design than to be complementary to the building era;</i> • <i>Enhance the bayside vegetation character of the area;</i> • <i>Retain large trees and establish native and traditional coastal vegetation and provide the planting of new indigenous coastal trees where possible;</i> • <i>Site buildings to create the appearance of space between buildings and accommodate substantial vegetation and minimise the loss of garden space;</i> • <i>Minimise paving in front garden areas including driveways;</i> • <i>Provide low, open style front fences other than along heavily trafficked roads.</i> <p>The Guideline for this precinct includes that the ‘<i>front setback area is retained as predominantly garden space</i>’.</p> <p>The perspective of the proposal as detailed in TP400 shows a solid extensive building and hard surrounds more appropriately proposed for a site within the shadow of the Church Street commercial area. It extends to almost the full length of the property.</p> <p>The front setback would be composed primarily of hard standing with driveway, pathway, pondage & bin storage with very little space for substantial planting. The street perspective presented is misleading.</p> <p>The proposal does not reflect the character strategies of Planning Scheme for this area.</p> <ul style="list-style-type: none"> • There is very little space for vegetation particularly at the Site frontage. • There is significant hard standing area. 	

- There is very little permeable space on the site particularly with the extent of the basement proposed.
- There will be inadequate opportunity for substantial planting to enhance the bayside vegetation character of the area.
- Vegetation proposed is cursory and can only be so given the extent of basement and the narrow areas available for planting.

The precedent that a proposal of this nature presents is of great concern. A proliferation of similar proposals would greatly change the character of this precinct, contribute to increased runoff and have a contributing effect on climate change.

The fact that the proposal only provides for two dwellings does not suggest that it is low density. The squeezing of two substantial homes each with lap pools, paved surrounds and a large basement results in a high density proposal.

Sadly I consider that the proposal is selfish in its consumption of the Site and the application should be refused by Council.

Further submission in respect of 7 Albert Street, BRIGHTON

TP Legal acts for Lachlin Hughes and family 5 Albert Street, BRIGHTON and provide these further submissions in support of their objection to the revised proposal.

The proposal does not provide the required side setbacks and our clients are of the opinion that the basement and ground floor should therefore be 2 metres.

A portion of the southern boundary wall is masonry. At street front, the wall is 1.7m high, as shown on the plans submitted by the applicant. However, the applicant's plans incorrectly indicate that the wall continues at the same height for its total length. In fact, the wall's height beyond the first few metres in from the street front increases substantially (to approximately 3m) for about an additional 8-10m until it meets the existing wood paling fence.

The higher section of wall supports a 1.9 m high security gate which gives access to the pool area at #5. This high gate is mandated by law because the pool was built in 2000 and therefore is not required to have a pool fence. The masonry wall also supports long established vegetation which is part of the extensive landscaping at #5. Furthermore, in order to maintain compliance with the Victorian pool safety laws, the wooden portion of the fence between the two properties cannot either be reduced in overall height, or be replaced with a fence considered to be "scaleable". The proposal would replace the masonry wall with a wood paling fence and this is not acceptable as it would likely render the fence non-compliant with pool safety laws. Therefore, existing masonry walls and wooden fences must be retained where possible or replaced with identical new masonry walls.

The report from the consultant's arborist gives the hedges at 5 Albert Street a High Protection Value. It states that the encroachment into the root zone from the basement excavation would be 30% which is unacceptable. We have engaged Mr Galbraith (arborist) to review the facts of the case. His full report will be provided directly to Councillors as there is a 4 page limit on these further submissions. Extracted pages are provided below.

Our original objections regarding excessive site coverage, overdevelopment, overlooking and character (including visual bulk) remain. The proposal is attempting to squeeze two large dwellings, an enormous basement and a highly visible roof deck on a relatively small site.

The garden at 5 Albert street has participated in the Melbourne Open Garden Days and has been featured in the Better Homes and Garden books and television show. The erroneous statement in the consultant's report regarding surrounding properties indicate that the true impact of the proposal has not been properly assessed. The proposal does not provide adequate water filtration on the site which will increase pressure on the drains and threaten the structural integrity of adjoining properties. The proposal does not include enough permeable land.

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Tree Consultants & Contractors
Tel (03) 9888 5214

9/Oct/23

Lachlan Hughes
c/o TP Legal
Attn Nicholas Crawford

re: 7 Albert Street, Brighton – Permit Application 2023/128/1

Introduction

A well maintained Leyland Cypress hedge is located on the north side of the rear setback of the property of 5 Albert Street Brighton. A double storey dwelling with a roof top terrace and below ground basement is proposed for the property at 7 Albert Street, Brighton. Mr and Mrs Hughes of number 5 Albert Street are concerned about the impact this will have on the hedge and consequently the amenity and privacy of their rear garden area. Galbraith and Associates has been requested by TP Legal to report on the hedge, discuss the potential impact of the plans to the hedge and to make recommendations regarding the design of the proposed building, in order to be confident that the longevity and amenity of the hedge is not jeopardized.

I inspected the hedge on the 24/Aug/23 and took a number of photos which are provided in this report. I have also seen the following:

The Non-Destructive Root Investigation Results for 7 Albert Street, Brighton by Arbor Survey dated 10/05/23;

The Rev 5 town planning drawings by McKimm dated 10/08/23

The Council Notice of Decision to Grant a Permit

The Hedge

Contrary to the report by Arborsurvey, the hedge consists of Leyland Cypress trees (*X Cuprocyparis leylandii*). This is a commonly grown intergeneric hybrid, favoured in for its relatively quick growth and dense foliage. On the downside, it is susceptible to Cypress Canker, a disease which can manifest itself when the trees are put under stress such as from severe cutting back and/or root loss.

This particular hedge is in good condition and has been maintained very well. It provides a dense even canopy. It has been pruned regularly to a height of approximately 3.8m. The trunk centres of the trees comprising the hedge are located between 30cm and 50cm from the boundary fence at spacings of 70-120cm between trunks. The trunk diameters measured at 1.4m above ground (DBHs) vary between 10cm and 20cm. The thinnest stems are found opposite a large mature Oleander tree in No 7 Albert St where competition is fierce. The tree protection zones (TPZs),

according to the relevant Australian Standard 4970:2009 'Protection of trees on development sites', vary from 2m to 2.4m radius from the trunk centre. The indicative structural root zones (SRZs) vary from 1.5m to 1.8m radius from the trunk centres.

The southern face of the hedge varies in distance between 1.2m and 1.4m south of the boundary fence. The northern face of the hedge has had no recent pruning. I am informed by Mr Hughes of 5 Albert St that he has asked the parents of the owner of No 7 Albert Street (the people who have evidently been living there) in the past for access for the hedge pruning contractors prune the northerly branches of the trees back. I am informed that for about 3 years access was allowed but over the last approx. 3 years have refused to answer requests for access. The branches now overhang as much as 1.3m north of the boundary fence, meaning that to prune back to near the boundary will cause many of the branches to die and put the trees at risk of cypress canker infection.

The Building Proposal

According to the Rev 5 plans, the basement opposite the hedge is to be set back 1.2metre from the boundary, however the ground floor is to be constructed at the boundary. This presents a serious risk to the ongoing health of the hedge and hence its privacy and screening function.

With respect to the basement, the setback is adequate, so long as there is no excavation in the 1.2m wide strip of land between the basement and boundary opposite the trees.

The location of the ground floor on the boundary poses a high risk to the trees. For a start, as is evident from the results stated by Arborsurvey of the hydro-trenching undertaken in No 7 Albert St at 15-20cm from the boundary, it is apparent that the bulk of the roots are located within the top 100mm. The proposed floor level is at 6.496. When one looks at the existing site plan, the levels opposite the trees vary between 6.56 and 6.43. Thus in order to just build the 150mm thick concrete slab (assuming there is no edge beam or piers or screw piles demanding deeper excavation), all the roots in the upper 100 - 200mm will be removed, which will be disastrous for the trees. Furthermore opposite significant portions of the hedge are two bathrooms and a laundry where there will have to be major excavation and associated root loss for plumbing, sewer and services.

The hedge will have to be lopped back to the boundary to accommodate the building according to the Rev 5 drawings. This will necessitate the removal of most of the foliage on the north sides of the trees. Unlike most hardwoods, these cypresses do not have the ability sprout new shoots from the lopped branch stubs. Thus not only will the screening function be substantially reduced, but the risk of the trees contracting cypress canker disease is high, putting the trees at risk of die-back.

As is apparent from the photos of the hydro-trenching, the root development into the subject site is copious relative to the sizes of the trees. The assertion in the Arborsurvey report that there will be no impact on tree health as a result of root severance along the boundary is far removed from my experience. The trees now are heavily reliant on the soil in No 7 Albert Street. Severance along the boundary is only 25 – 40cm from the edges of the trunks. Due to the tight spacings between trees, the

roots have nowhere to go but outwards perpendicular to the direction of the hedge to gain sustenance and stability. Even most amateur gardeners would see that excavating at the boundary will cause major problems to the trees. Furthermore a slab over the 1.2m wide strip between the basement and boundary is likely to limit access to moisture for any roots which survive the works.

Comments on the Council Officer Report

The NOD is subject to conditions from the Council Arborist. These include conditions 15, 17 and 19, with which I agree.

Condition 1(a) recommends that the proposed wall on the southern boundary be set back a metre from the southern boundary. In my opinion, although I would prefer the setback to be 1.2m in line with the basement, it is likely that the ongoing screening functioning and amenity of the hedge can cope with this condition, but in combination with the limiting of pruning back of the overhanging canopy to no more than 800mm from the boundary. Thus I recommend that Condition 18 be changed to the following:

Any pruning that is required to be done to the canopy of any neighbouring tree is to be done by a qualified Arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. The pruning back of the neighbouring cypress hedge to the south must be limited so that at least 800mm of overhang of the fence line remains intact. Any pruning of the root system of any tree to be retained is to be done by hand by a qualified Arborist.

Overall Recommendations

In order to be confident of the ongoing good health and screening function of the hedge, the southern wall of the building opposite the hedge should be moved back to 1.2m from the boundary, in line with the basement. The 1.2m wide strip of land between the basement and boundary needs to be left undisturbed, free of excavation, and not covered over. Any pruning of the canopy overhang over the boundary fence needs to be limited so that at least an 800mm overlap is left intact, so as to maintain a green face on the north side and to limit the risk of cypress canker establishment.

Item 4.6 165-167 Tramway Parade, Beaumaris	Objector (O) Supporter (S) Applicant (A)
1. Ms Annie Price	(O)
<ul style="list-style-type: none"> - 20+ years of Bayside Council neglecting their obligation to protect the post war built history of our suburb. - Countless significant properties consequently demolished over those 20 years - At least 28 properties (possibly more) removed from Council's most recently commissioned heritage consultant's report, by Bayside Councillors, for no apparent reason. - 165-167 Tramway Parade has been left to deteriorate and be vandalised since the interim heritage order was placed on it. If Council allow this property to be demolished (demolition by neglect) they are adding yet another black mark to their despicable heritage report card. - Not one, but two Planning Ministers have reprimanded Bayside Council on their horrendous record on this matter. - This very significant property, The Pike House, needs to repaired, protected and preserved, not demolished. 	

Dear Council Members,

I am writing this letter in full support of the development at 165-167 Tramway Parade Beaumaris VIC 3193. The property owners and the Builder have taken every feasible measure to provide independent and irrefutable evidence that Tramway Parade is beyond any reasonable state of repair. I would like to highlight further that both the property owners bought the property in good faith with *building permits in place*. The owners and the Builder were subsequently prevented from progressing following special measures put in place after the property was identified as being potentially of local heritage significance. This is despite extremely clear evidence that Tramway Parade suffers from serious, irrecoverable issues that stem from the very foundations upon which the dwelling is built.

I would also like to provide further context to what 2-years of re-negotiating the development of Tramway Parade has had for several individuals involved. I would also like to share the life-changing, human consequences as witnessed from my perspective.

I preface this impact statement by a brief description of my sister (Monica) and her husband (Chris). Both come from extremely humble backgrounds and through sheer effort and hard-work, have painstakingly built from the grassroots level, a highly-reputable independent Building company, *Altech Homes*. This local business has served the Melbourne community for nearly 20 years. It is not a company backed by a slew of capital investors, but rather, rely inclusively on Monica and Chris' sole investment of their own funds to drive the family-run business. Their sole objective has only ever been to build affordable, high-quality homes for Melburnians, and they have risked their livelihoods to contribute to the community in this manner. As a direct result of the protracted situation with Tramway Parade, I have witnessed two vibrant individuals left demoralised, humiliated and feeling utterly defeated, even though they followed every conceivable legislation and sets of guidelines, and meeting the repeated costly demands to maintain a property that every single independent assessor has deemed unsalvageable. Compounding this sudden loss of agency in their own lives, Monica and Chris then lost their entire life savings and were left homeless following the forcible sale of their one and only Beaumaris home as the only measure to curb the sky-rocketing debt for a costly project being left on hold.

Indeed, the complete obliteration of life-savings and the loss of the family home in the Beaumaris area has had an incredibly devastating impact on my entire family. Monica and Chris had to literally appeal cap-in-hand to all family members (myself included) to borrow tens of thousands of dollars to meet loan repayments. They also had to undertake one of the riskiest measures of all, and use my parent's home as a financial guarantee to take out further loans to cover ongoing business costs. I need to make it clear that there is simply no generational wealth or wealthy family benefactors in this situation, but where Monica and Chris have had to rely entirely on the goodwill of family.

Left penniless and homeless, Monica, Chris, and their 2 school-aged children had to move in with my elderly (80 years old +) parents into their 3-bedroom house. During this time, they have needed to adapt the property to accommodate my mother's special needs, and together they have lived over 2 years. This is not a comfortable living situation for any individual involved. Monica and Chris, and their children have endured twice-daily, 1-hour round journeys to drive their children to their schools located in and around the Beaumaris area; maintaining stability in the children's lives in this way present a significant challenge, since Monica also works very long hours as a full-time very senior management position. Indeed, particularly over the past 12 months, there has been a very painful decline in the physical and mental wellbeing in my sister, my brother-in-law and my parents alike. Everyone in this situation has been left utterly shattered, but hold it together for the sake of two highly-impressionable children. The psychological toll that this situation has had on Monica, Chris, and my parents is quite simply indescribable, and frankly, my fear is that that they will never fully recover from this hardship.

There really are no adequate words of comfort that you can offer to a loved one at their lowest ebb in their lives, particularly in a situation that has been of no fault of their own. How do you tell your sister that everything is going to be okay, week-after-week for 2 years, when the sheer stress (of Tramway Parade) causes her hair to fall out, her appetite to fade to nothing, and her sleep to reduce to less than 2 hours each night? As a loved one, how do you offer actual real-money support when you yourself are barely making ends meet in this cost-of-living crisis? How do you explain to your nieces why mum and dad are feeling down, but it is not because of them, but because the family has no money? How do you comfort elderly parents who need their own space and a quiet home, while simultaneously watching their own health is in slow decline? It is utterly heart-breaking to watch a family been slowly torn apart in this way; it is the worst.

The human cost of this situation has been very real and felt at the very core: livelihoods have been shattered, finances hang by a thread, and future family aspirations have been put on indefinite hold. Monica and Chris have been through immeasurable pain and suffering, and their hardship has been acutely felt by all who support them. It is simply unjust and unfair.

Therefore, I plead wholeheartedly to the entire Bayside City Council to consider the technical and statistically-significant data that has been provided by independent assessors, and the supporting statements provided by the residents who will be directly affected by the Tramway Parade development. I also implore to the Council to see the real benefits of a new perspective on Tramway Parade, one which aligns with the progressive outlook on the changing face of Melbourne and the need to adapt to the real needs of the modern era.

Yours sincerely,



Dr. Lisa Cabrita

Dear Bayside Councillors,

I am writing this letter in full support of the demolition and development at 165-167 Tramway Parade, Beaumaris. Over the last two years, there has been indisputable and undeniable evidence presented to illustrate that Tramway Parade is beyond *any* reasonable state of repair. From the foundations, Tramway Parade suffers serious issues that cannot be rectified.

My parents purchased Tramway Parade as a dream to build a new home for our family and for my Grandparents. This elongated process has resulted in my Grandfather never seeing his new dream home. He passed away in January this year.

This seemingly never-ending saga has caused my family countless sleepless nights and something that cannot be underestimated is the mental and emotional toll endured during this 2-year period. It is not simply a case of filling out a few forms, attending a few meetings, and then it is all over. Our family carries this burden everywhere we go.

I have seen my Mum, a very upbeat and positive person, living in a constant state of desolation. She is not sleeping properly, she has had numerous trips to her GP (and she been prescribed anti-depressants), migraines that leave her bedridden for days and her work life has taken a hit, as she is unable to focus due to the stress and anxiety this ordeal continues to cause. Probably the most devastating of all, being an only child, my Mum is unable to care for her sick and ageing Mother, my Grandma. This is very similar to my Dad. A very outgoing and vibrant person, he has had to miss an unimaginable number of work commitments due to having to deal with Council meetings and stress surrounding meeting the monthly repayments for Tramway Parade. Put simply, the strain of this ordeal has changed our once very happy home life.

I have seen my parents argue with each other more in the last 2 years than in the 20 years before that combined. This situation would cause stress and anxiety in even the strongest of families and couples. A usually very calm, relaxed and close-knit family, the last two years we have been living on a knife's edge. Every little situation sparks an argument or a

disagreement, and this is undoubtedly due to the constant state of stress all of us are living in. I find myself staying at Uni or work longer so that I do not have to see my parents' despair.

Every day, when we arrive home after a day at work, we should be looking forward to spending an evening together at the dinner table, then maybe watching a show or a movie on television as a family. Instead, we all arrive home in fear, dreading having to check the letterbox for yet another dose of unwelcome news. When these letters come, they inevitably cause arguments, pain, despair, and worry. They quite literally reduce my mum to tears, as she knows they will only contain more headaches, more pressure and more time away from her family, trying to fight for some kind of natural justice.

I plead, I urge, and I beg Bayside Council to consider supporting our case for the demolition of Tramway Parade. Every hurdle has been met, at no small cost, financial and emotional. This proposal has real benefits for the community, especially in the current housing crisis.

Yours sincerely,

Matthew Rastocic

Matthew Rastocic

To Bayside City Council,

I am writing this letter in full support of the development at 165-167 Tramway Parade, Beaumaris. The issues that have come from this ordeal have caused considerable stress and anxiety to my parents and to our family. The last 22 months has seen my parents stressed beyond belief and arguing on a daily basis and in turn, the constant tension in our house is palpable.

Before the ordeal with Tramway began, our family almost never argued and I would consider ourselves a strong, close-knit family unit. We genuinely enjoyed spending time together. However, the last 2 years I could say it has been anything but that. Constant arguing, small problems that grow into something bigger, are just some of the issues that I see each and every day.

An example of the mental health impacts on my Mum - when a letter from Bayside City Council arrives at our house, my Mum's hands start shaking when opening the letter and you can see the anxiety, despair and tears in her eyes. The story is similar for my Dad. The financial pressure is overwhelming. It makes me sick in the stomach to see my usually happy-go-lucky parents completely stressed out of their minds each and every day. They are almost changed personalities over the last (nearly) 2 years - into people who are constantly moody and not in the headspace to spend meaningful time with their children. This is something they used to love more than anything in the world and that used to come naturally to my parents, who I have never seen so upset or anxious prior to purchasing Tramway Parade.

At the end of the day, I miss my parents being happy and carefree people who always had time to show how much they love me and my brother. I cannot remember the last time we have gone out and about as a family, as my parents are always too worried about the consequences and next steps in this development. My parents are usually very social people who love spending time with family and friends, but in the last 18 months, their social lives have become completely non-existent, as their declining mental health has not allowed them to be happy and jovial with such a big cloud hanging over their heads.

To conclude, I need this torment to be over so I can get the parents I know and love back, as I feel that in the last 18 months I have lost my parents, in the most extreme way, as they have completely changed from cheery and untroubled humans to anxious and distressed, desperate to see the light at the end of the tunnel.

I plead with the Bayside Council to support the demolition of Tramway Parade. This long, protracted process has come at a huge *financial and mental cost* for our family. With the current housing crisis in Victoria, this proposal is so important and would be advantageous for the Bayside community.

Yours sincerely,

Andrew Rastocic

Andrew Rastocic

I am writing to Support the development at 165-167 Tramway Pde Beaumaris. We purchased and moved into our home at 163 in June of 2022. At this time, we were aware that 165-167 Tramway Pde Beaumaris was vacant. Within three months of our arrival the vacant home was targeted. It has been extensively vandalised. The residents in close proximity to the property have had numerous confrontations with a range of young vandals. The key professional vandals are not locals and are intimidating. The property has become very well known on the internet and is a magnet for vandals of all types.

It is not reasonable that with the issues associated the property, well known and documented many times both with the council and police that neighbouring residents are allowed to be intimidated and frightened while living in their homes.

The property was well run down when, Bob the previous owner moved into permeant aged care. The property has been vacant for approximately five years. It is an overgrown dilapidated mess. It is now stuck a limbo of indecision with none of the parties able to move forward. As a resident of the street, I was confronted by this indecision when seeking assistance to stop the vandalism next door. The Council were of no assistance, The Police were slow to attend and had little power to stop the individuals involved. The owners cannot proceed without authority.

The time has come to move forward. Suburbs need to be renewed. New residents attracted. The Property at 165-167 Tramway was a nice property in its day, but that has well passed. The Beaumaris Modern group had the opportunity to buy the property at Auction and chose not to. My wife and I and all our close neighbours support a development on the site, it's time to move forward. If a signed partition of the neighbours is of advantage to get the building proposal approved, I am happy to provide one.

If you are in any doubt of the seriousness of the situation, contact the Police for their record of calls regarding this residence or have your children find it on social media, there is nothing pleasing there.

John Danckert

Dear Councillors,

Request to support demolition of dwelling: 165-167 Tramway Parade Beaumaris VIC 3193

Thank you for the opportunity to present our case at your meeting. Along with Senko and Katrina Rastocic, we are part owners of the above property and we are writing to you to seek your support for the demolition of the dwelling at the property to facilitate development, that now has the full support of the planning department. We have submitted independent assessor's reports, letters of support, and an impact statement, and here we outline the situation from our perspective.

The position of achieving support for the removal of the dwelling to enable the proposed development to proceed is the pinnacle of a protracted period of continuous assessment, negotiation and re-design over 2 years. We purchased the property on the **26 May 2021**, with settlement completed on the **3 December 2021** and where the property was purchased as advertised, with approved Council plans and permits for four townhouses. Those plans and permits were due to expire on the **5 December 2021**. Since the property was sold to us with an existing building permit, we were advised to pursue a variation to the building design. The basis of the redesign was to best maximise the land of the property while, equally, retaining various features consistent with the styling of the Beaumaris neighbourhood, and importantly, incorporating mid-century modern characteristics which the residents identify with.

We commenced the redesign process and had the first preapplication meeting with Council on the **21 October 2021**, nearly two months ahead of the permit's anticipated expiration date. This submission was followed by an online Zoom meeting on **18 November 2021**, with the revised plans submitted to the Council in **late December 2021**. Then over two months later, we received a letter from the Council dated **14 February 2022** to advise us, that the property had been identified in the Council's draft Post-war Modern Residential Heritage Study as a candidate for possible inclusion in a *Heritage Overlay*.

Two years on and throughout this entire planning process with Council, we have always been open and transparent about our intentions and were given no indication that the property would be subject to any form of protection. The last two years have been to say the least, created a situation which is driving our business partner, ourselves and our respective families, perilously close to financial ruin; this is following a particularly disastrous two-and-a-half years recovering from the effects of the Covid pandemic.

Personally, for my wife and I, until November last year, we were local Beaumaris residents, with two young children who attended local schools. However, as a direct result of the protracted planning process and to keep up with the mounting financial outlays of Tramway Parade and along with our own mortgage, we lost our family home in Beaumaris, and as of today, we now risk the possibility of losing our family-run 20-year business that we have worked so hard to establish.

Losing our family home, you can't quite describe it. It's like someone has turned off your lifeline; the emptiness, the grief and tears shed for the dream you had, for what your family home represented was taken away because we needed to fund a derelict property beyond reasonable repair or restoration.

We now live with my wife's elderly parents who are both in their 80's. Their three-bedroom, one-bathroom home now accommodates six people. My youngest daughter sleeps with her grandmother whilst their elderly 82-year grandfather sleeps in the lounge room in a makeshift bedroom so that his room can be used by our older daughter who is preparing for VCE next year. Our personal situation is highlighted further in the supporting documentation by Dr. Lisa Cabrita, BAY-0000776511), we are living through a nightmare, one filled with constant anxiety, humiliation and fear of what's next.

My wife and I are of the opinion that we have been unfairly penalised by the planning process. This process includes a complete lack of transparency that Interim Heritage controls/the proposed Amendment C192 bays were to be introduced **after** we had purchased the property. We have faithfully adhered to all State and local legislation and complied with all requests and amendments in a timely manner. For full disclosure, the financial losses incurred to date because of this arduous 2-year planning process is significant, at **\$391,194.73**.

One might suggest restoration is an option however the property has reached its useful life expectancy. Through no fault of our own, the property prior to purchase was already in an uninhabitable state. The Independent Engineering and Heritage reports (all submitted) indicated both the modest heritage value of the dwelling and the dangerous state of the dwelling. The original fabric of building is structurally unsound and has deteriorated to a severe extent, such that very extensive reconstruction is necessary. Indeed, the reported costs of \$3.3 million dollars cited in the initial Engineer's Assessment undertaken in May 2022, was simply to permit the dwelling to be capable of occupation. Following a full reconstruction, the resulting replacement building following a complete restoration would contribute a dwelling capable of *modest heritage value*, and therefore limited in its design excellence.

Needless to say, my wife and I along with our business partners are not multimillion-dollar property developers, we are simply ordinary Victorians working hard to ensure our families have a future. Without the agreed development, the dwelling risk remaining a danger and as well as be blight within the picturesque Beaumaris neighbourhood. Indeed, residents adjacent to the Tramway property have pledged their support for full development of the site (as outlined in John Danckert's submission, BAY-0000745311). We are of the opinion that these are all important factors which we trust that the Council members will consider within their recommendation.

With full support of the Council, my wife and I will deliver a contemporary development in likeness of the modern Beaumaris neighbourhood, while retaining the characteristics of its predecessor. We will therefore contribute positively to the Beaumaris community as well as remain faithful to its rich history.

Yours sincerely
Chris and Monica Papasavva

Dear Mayor, Deputy Mayor and Bayside Councillors,

I am writing this letter to plead for your full support of natural justice and for the demolition of 165-167 Tramway Parade, Beaumaris.

First and foremost, we are not multinational large developers. We are not even developers. My husband and I have never renovated or developed any property we have ever owned. We don't work in the construction industry, nor are the companies we work for remotely aligned to the construction industry.

In December 2021, we settled on 165-167 Tramway Parade. We had a dream to build a home for our families. We purchased Tramway Parade *with Council endorsed and approved building and demolition plans and permits for four townhouses* (please read that sentence again – it's important). And this is the **only** reason we purchased this property.

The ordeal we have had to endure during the last 22 months has been crushing and soul destroying, to say the very least.

Firstly, our friends and business partners, Chris and Monica Papasavva faced their own personal crisis when Chris was faced with the prospect of being diagnosed with cancer in December 2021. Thankfully after surgery, Chris recovered and was confirmed as cancer free.

Then the Tramway turmoil commenced.

From the moment we received the first letter from Bayside Council advising that our property at 165-167 Tramway Parade, Beaumaris had been identified as having some potential heritage significance and was included in a draft heritage study, it has been whirlwind. Further to - attending to rectifying Emergency Order after Emergency Order received from Council, meeting Council's heritage consultants onsite, council meetings with planning officers, building surveyors, strategic planners, personally speaking to the Delegated Committee Meeting last June, letters to the Minister for Planning and Housing, organising independent consultant reports, liaising with Council's Planning Team, back and forth with the architect to amend plans to align with Council's requests, reporting vandalism to the Police, dealing with a very public smear campaign by Beaumaris Modern, trying to meet the astronomical monthly loan repayments, raise and support a family, work, pay our own bills, all whilst waiting for Public Exhibition and Panel appointment – has been pure and utter torture! All of this, and not a shovel has touched soil at Tramway Parade.

The constant stress and pressure we have been under has been, quite frankly, overwhelming. I am anxious all the time, get migraines and struggle to sleep. I have been prescribed anti-depressants (Endep) and melatonin. Only two weeks ago, my GP ordered I wear a heart monitor for 24-hours because he was concerned. I struggle with focus at work and my personal relationships have suffered. My husband works two jobs, just to make ends meet.

Instead of finishing up with work and looking after my sick (Parkinson' disease) and elderly Mother (which as an only child we had always planned I would do), I have been forced to put her in an aged facility as I must keep working to ensure we keep our head above water. But despite everything, we are drowning.

The prolonged length of time it has taken for this process is unreasonable. We have been unfairly penalised by the planning process, through absolutely no fault of our own. This whole ordeal commenced in February 2022. The Delegated Committee Meeting was conducted in July 2022. It is now October 2023, and we are no closer. The process is unfair and unjust. And the longer we continue to wait for the process to run its course, the more the impact is on our mental, physical and financial state. We are desperate for natural justice.

This property is very different from others on the market. It already had Council endorsed and approved plans and permits when we purchased it. The Council had already made its decision to approve demolition of the dwelling. The property has never been identified as being of heritage significance in any previous study conducted by the Council (this has been confirmed by a Council Officer). The property was an abandoned mess and therefore we were unable to put a tenant in the property to assist us with any financial offset of loan repayments whilst working through the planning process. The financial losses incurred to date because of this arduous and elongated 2-year planning process is more than significant at **\$391,194.73**, *with no end in sight*.

One might suggest that “restoration” is an option. It is completely illogical and irrational to even consider the “restoration” of the building at Tramway Parade. We have provided independent consultant reports clearly outlining the enormous scope of works just to make the building merely “liveable” and detailing the exorbitant costs involved. No one would consider **\$3.3 million** (this figure is much higher now due to the increased cost of building materials) to be a justifiable figure to spend on a foundation riddled with growing concrete cancer, amongst so many other building and structural issues. Through no fault of our own, the property has reached the end of its useful life expectancy.

When faced with a very sick patient, close to the end of life, sometimes a decision needs to be made – whether to turn off the patient’s life support? As with the circle of life, the Council needs to make the decision to see this situation for what it is – a dilapidated and very sick building with no life left in it. The decision must be made in support of demolition of 165-167 Tramway Parade, Beaumaris. Let us breathe new life into Beaumaris with our new, sustainable, much needed development. Let us breathe. Please. Support our application for demolition.

Yours sincerely,
Katrina & Senko Rastocic

Item 4.7

23-25 Linacre Road & 1A Deakin Street South, Hampton

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

1. Mr Damien Cooke & Ms Rosey Horvat

(O)

Dear Planning and Amenity Delegated Committee,

I write to you to object to Application No. 5/2020/113/5. As lifelong residents of Bayside and parents of two girls we have grave concerns for what is being proposed here - the potential of a large shared entertaining area, the impact to privacy, the inappropriate bulk of the building and impact on the streetscape. The decision bayside makes will be permanent and irreversible, so I appreciate your careful consideration of this objection.

The Proposal. The proposal is for an outdoor living area on the 4th floor of 23 Linacre Rd that will have fixtures and people well above the 12m building height limit.

The developers may describe the proposed change as a private rooftop herb garden for their children. It's a fantastic story, however the most likely outcome is that this will become a 200sqm entertainment area, shared with the 25 apartments of 23 Lincare. It is worth noting that the original submission of this plan was for a 'communal space' and also that it will be on its own title and therefore easy to sell or lease to the body corporate.

It is inevitable that the 4th floor will be sold. We do not know if this will be immediately on completion or after 12 months, but certainly there will be another owner in the future. In order to maximize the value of this investment the new owner will maximize its usage. They may install a kitchen, sound system and lighting and there will be no stopping this.

These additions will add to the height that is already exceed the 12m limit (as per drawing TP202) and add to the already troubling visual impact on the streetscape. The plans may show only a minor breach of the 12m height rule, however there will be many fixtures installed well over this height, not to mention that any person on the 4th floor will have their head height at well over 13m.



Fig 1 - TP202 showing 12m building height breached

Secondly there is inadequate information in the plans to show how people will access the 4th floor. It shows a stairway in TP103, but no roof in any of the elevations. In order to properly provide safe and weatherproof access to the stairway there will need to be a structure or fixtures well over the 12m building limit.

The Impact. The direct impact to us at 18 Crisp St is the visual impact, the extra noise and most concerning, the loss of privacy. Outdoor entertaining areas in new multi story developments must be designed to ensure there is no loss of privacy. That has not occurred here as there will be a direct line of sight from a person standing on the 4th floor into every area of our backyard, as well as our kitchen and dining area.



Fig 2 - photo taken while sitting at our dining table

Ensuring developers maintain privacy of existing homes is achieved through the combination of many building regulations such as overlooking and building heights. I do not believe the '9m' mentioned in the overlooking clauses of Reg 84 had in mind a person looking down from over 13m high. Due to this height we have nothing that we can do on our property to mitigate this loss of privacy as we could with a typical two story development. It is particularly problematic for us due to the two large deciduous trees that offer no privacy for most of the year.

As a father of two girls aged 9 and 13 who spend hours every day destressing in their private backyard after school, I feel the loss of their privacy will impact their development. It is hard enough these days as a parent to get kids off devices and outside. Particularly my very shy 13 year old who comes home exhausted from her school day. She needs to feel safe in her own backyard and no doubt she will not use our yard as she does today knowing there will be strangers looking down on her.

We are also concerned about the added noise that a 200sqm entertainment area in the sky will bring. Being on its own title with potential ocean and city views it could easily

become the most popular party place on AirBNB. The developers had already hosted a party up there with the friends and investors (along with professional photographers) there before the concrete was dry.



Fig 3 - stills from rooftop party video

The Engagement. Discussing this plan with the developers and attempting to find a mutually acceptable outcome has been challenging at best. We have been given false information regarding the plans on multiple occasions and any attempts to clarify facts or find common understanding have failed. The developers refuse to accept that there is a direct line of sight into our home, and instead simply state there is no overlooking (referring to the technically of reg 84) and so our privacy is guaranteed. It has therefore been impossible to discuss any changes to mitigate our concerns regarding privacy as the loss of it is being ignored.

It is also worth mentioning that my family along with other impacted residents withdrew our objection to the original plans in 2020 after promises made by the developers. There was a promise that the top floor would have privacy screening and also that they would work with council and vicroads on traffic easing. With this new plan it seems both of these promises are now broken.

I trust the councilors are well aware of the inappropriate engagement experienced by other impacted residents.

I mention the concerning behavior of the developers because if council chose to ask us to find a mutually acceptable solution, we will need council to appoint someone to mediate future discussions.

The options. There are many options for an acceptable outcome.

1. No 4th floor. This late addition to the plan is not appropriate for bayside outside of main roads like Hampton St and would not have been approved if it were in the original design. It adds no additional housing and will only add to the existing height, noise and privacy issues to the families in this lovely enclave edwardian homes in Hampton.

2. The developers do not need a 200m herb garden. If they do then they should consider a regular home for their family. The proposed 4th floor could have further setbacks on all sides which would mitigate all issues - the building height limit, the visual impact on the streetscape, the loss of privacy, and the risk of it being turned into a shared entertainment area for 25 apartments creating a great nuisance for the neighbors. I ask the council to consider asking the developers to increase further the setbacks.

3. The developers could use the southern building rather than the northern one. This would have have minimal impact on the streetscape and would allow them to build privacy screening without breaching the 12m rule. I ask the council to consider asking the developers to use the southern building rooftop for their herb garden.

4. If the developers will be allowed to breach the 12m building height limit then they may as well breach it slightly further by installing permanent privacy screening to the height of 1.8m such that all neighboring properties do not lose any privacy. Although the streetscape and potential noise would still be an issue I feel the retention of privacy is not negotiable. I ask the council to consider asking the developers to add adequate privacy screening.

5. If in the worst case scenario the plan are approved as is then I ask the council to give special permission to remove the two deciduous trees (Indian Bean Tree and Elm seen in fig 2) such that we can plant native non deciduous screening trees in their place.

Thank you for your consideration,
Damien Cooke
Rosey Horvat

Dear Councillors,

Thank you for the opportunity to address the Planning & Amenity Committee Meeting in support of this application.

My name is Adam Haines. I am Associate Director of the Urban Planning Collective and our practice is located at L4, 412 St Kilda Road, Melbourne.

Firstly, we commend the officer's recommendation that an amended planning permit be issue for this proposal. The officer report is a thoroughly detailed, measured and balanced consideration of the planning merits having regard for the requirements as set out under the Bayside Planning Scheme.

Reunion Place

This development proposal from its inception is one that is grounded in a philosophy of providing, and executing, 'design excellence'. This extends to the aesthetic offering, the overall quality of the product being delivered, adherence to and ensuring external amenity considerations are adhered to, and to ensuring that the development provides a high level of internal amenity. Our client remains unwavering in their pursuit to ensure the development continues to benefit the broader urban setting and sets a benchmark for the execution of design excellence with in the City of Bayside.

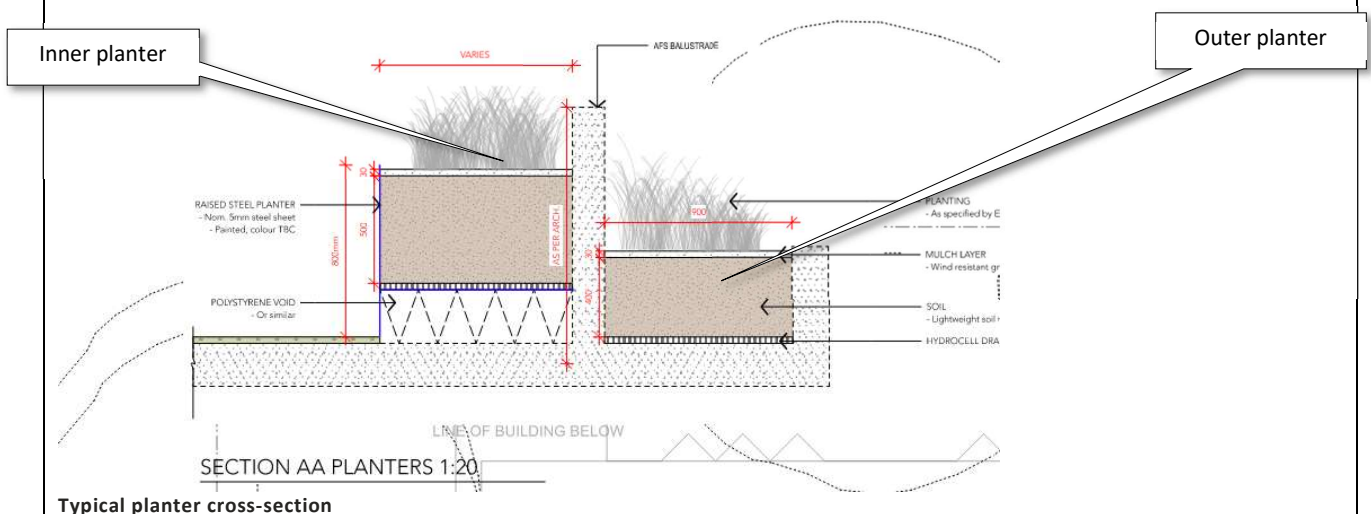
What motivates this design change to provide a green roof?

There are really three key motivators for this voluntary design change. In no particular order, they are:

- Further enhancement of the visual aesthetic of the building as it presents to the public and private neighbouring realms through the addition of further vertical greening of the buildings;
 - Reimagining of an entirely utilitarian area of the site as an ancillary private garden amenity space; and
- Further enhancement of the buildings green credentials through the addition of a highly effective environmentally sensitive design solution.

To each point in context

Aesthetic – From the public realm of Deakin Street South, as well as the private common and non-common areas that adjoin the subject site to the north and west, the modifications will principally appear as a series of landscaped planters, commencing from an 'outer' peripheral landscaped planter, transitioning to an 'inner' and taller planter, with a central balustrade element setback from the outer edges of the main parapet.





Concept elevation – east to Deakin Street 5th

Intentionally, the peripheral planters are intended (at least in part) to be visible from the streetscape and the private realm areas of nearby residential properties with the intent to further enhance the vertical greening of the facades. As these new landscaped zones evolve to their maturity, they will appear as a ‘green roof’, with the associated balustrade / planter facias appearing as vegetated parapet forms with cascading and vertical greening occurring.

The continuous planter designs, both in-board and out-board, will support and evolve vegetation to heights of circa 1.8m above the floor level of the inner terrace, thus creating a verdant screening layer to a height of around 1.8m above the floor level of the green roof terrace. There are no roofed elements and no structures of height associated with the design, such that the landscaped design elements are the sole visible elements from near and long field views towards the subject site.

Function and use – In simple terms, what is proposed is a green roof / private courtyard terrace. This design concept in no way differs from the concept of a first or second floor balcony / terrace, or a ground floor level courtyard (for which this development has many). From a regulatory perspective, the use of the land for dwellings, for which a green roof terrace is entirely ancillary, is as of right under the land use controls that apply and therefore there is no material consideration as to the use.

Environmentally sustainable design - The environmental design benefits of incorporating green roof design elements are notable. This is of course well known to the Council through its own strategic initiatives, including the Councils publication - *Sustainable Design Assessment in the Planning Process – Edition 8.1 Green Roofs, Walls and Facades Building design for a sustainable future*, which is paramount. It is well documented that a structures underlying environmental ‘performance’ will benefit from these types of design initiatives, including, but not limited to:

- Energy use: reduced through removal of heat from the air through evapotranspiration whilst concurrently being an active insulator of the building, thus reducing energy needed to provide cooling and heating.
- Stormwater management and water quality: enhanced through a net reduction / slowing of stormwater runoff into the urban environment; filtration of pollutants from rainfall.
- Air pollution and greenhouse gas emissions: removed variously, by lowering air-conditioning / heating demand and associated air pollution and greenhouse gas emissions, together with vegetation actively able to remove pollutants and greenhouse gases through dry deposition / carbon sequestration.
- Human health and comfort: reduced heat transfer improving indoor comfort.
- Quality of life: providing an aesthetic value for the neighbourhood; habitat value for plant and animal species; human interaction with nature.

Environmental benefits extend to ecological considerations in terms of biodiversity and habitat in the same manner does your typical garden setting. The transformation from utilitarian roof area, to garden green roof setting, is a tangible one from an underlying environmental context.

From a regulatory design requirement, does the amendment proposal protect neighbouring amenity?

Overlooking - an obvious and intentional design benefit to having a series of parallel planters, with the terrace component of the green roof set in from the outer edges of the roof plane, means that the origin / vantage point of any individual standing within the private terrace environs is intentionally setback from outer edges of the building. This revised perspective point acts to manipulate an individual's outlook sight line to extend more to the horizon over and typically above neighbouring residential interfaces.



In this case, these design initiatives, whilst not a requirement in the sense that the 9.0 metre sight line outlook to the north and west falls well shy of all neighbouring sensitive interfaces, and certainly those further beyond along Crisp Street, has been employed at the directive of the developer. The design remains cognisant of the neighbouring private amenity conditions and has been designed in a manner that, in essence, far exceeds the underlying design requirements of Standard B22 of the Bayside Planning Scheme.

Noise - It is useful that there are numerous jurisdictions of the Victorian Civil and Administrative that provide findings in relation to the notion of 'domestic noise'. In short, this is not a material consideration for this amendment proposal.

Is the amendment proposal supported by the Bayside Planning Scheme?

The design concept is one that is strongly supported by the Bayside Planning Scheme. Specifically:

- clause 12.01-1L conveys that it is policy to.... *“retain significant tree and vegetation cover particularly in areas where trees and plants contribute to habitat, erosion control and absorption of run-off”*;
- clause 15.01-2S, it is policy that to ensure... *“development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas”*;
- the Apartment Design Guidelines for Victoria which underpin the design considerations at Clause 55.07 (ResCode) of the Bayside Planning Scheme convey that design should.... *“consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration”*; and

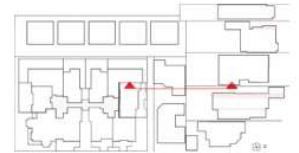
This is an amendment proposal that is very clearly supported by the Bayside Planning Scheme, both in terms of the quantifiable criteria, but also its qualitative considerations. Per the Statutory Planning Departments recommendations put forward, we hereby encourage your support that an amended permit be granted for the proposal.

Should you require any further information, or have any queries regarding the proposal, please contact the undersigned on 8648 3500.

Yours sincerely



Adam Haines
Associate Director
ahaines@upco.com.au



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REUNION PLACE

ROOF TERRACE EDGE

NOT TO SCALE

2000000

SECTION
FK