

Requests to be Heard

14 November 2023

Planning and Amenity
Delegated Committee Meeting

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Item 4.2	Objector (O) Supporter (S) Applicant (A)
122 Weatherall Road, Cheltenham	
Requests to Speak	
1.	Mr Trevor Ludeman (A)

Item 4.3	Objector (O) Supporter (S) Applicant (A)
101 Cochrane Street, Brighton	
Written Statements	
(Page 5)	
1.	Ms Janette Bronwyn Matheson (O)
2.	Mrs Patrizia Burley (O)
Requests to Speak	
1.	Mr Henry Burley (via proxy Ms Silvia Nowell) (O)
2.	Ms Nadia Cossich (O)
3.	Ms Susan Steel (O)
4.	Mr Daniel Cameron (A)

Item 4.4	Objector (O) Supporter (S) Applicant (A)
23 Hotham Street, Beaumaris	
Written Statements	
(Page 10)	
1.	Mr Lee Ingram (O)
Requests to Speak	
1.	Mr Lee Ingram (O)

Item 4.5		Objector (O) Supporter (S) Applicant (A)
15, 17A & 17 Abbott Street, Sandringham		
Written Statements		(Page 11)
1.	Mr Peter Weller	(O)
2.	Mr Bruce Clarke	(O)
Requests to Speak		
1.	Mr Peter Weller	(O)
2.	Mr David Brice	(O)
3.	Mr Bruce Clarke	(O)
4.	Mr John Fotakis	(O)
5.	Mr Chris Pippo (on behalf of 15-17 Abbott St Sandringham Developments Pty Ltd)	(A)

Item 4.6		Objector (O) Supporter (S) Applicant (A)
2 Burgess Street, Beaumaris		
Written Statements		(Page 15)
1.	Mr Dean Petracca	(O)
Requests to Speak		
1.	Mr Tom Buchan (for SongBowden Planning Pty Ltd)	(A)

Item 4.7		Objector (O) Supporter (S) Applicant (A)
176 Esplanade, Brighton		
Requests to Speak		
1.	Mr Garry Williams	(A)

WRITTEN STATEMENTS

Item 4.3		Objector (O) Supporter (S) Applicant (A)
101 Cochrane Street, Brighton		
1.	Ms Janette Bronwyn Matheson	(O)
<p>Overlooking- South elevation shows Unit 5 glazing on proposed First Floor Bedroom 2 window to be full height with no screening. This full height glazing looks across the carpark to the rear of 87A and diagonally to the rear of 89 Martin Street. Unit 5 Ground floor is proposed to abut the southern boundary, thus there is also no opportunity for planting or other screening. This is against the neighbourhood character. Privacy for all parties would be afforded by addition of screening to the glazing.</p> <p>Minimum setbacks- I oppose a relaxation. The setbacks from South side boundary for 2nd storey to roof in the advertised plan does not comply with the Bayside Planning Regulation re minimum setbacks. Stepping back the 2nd storey of Units 1-3 by the required distance as well as Units 4 & 5 would also be more in line with the neighbourhood character & have less visual impact for neighbouring properties.</p> <p>Proposed area covered by built form is greater than Bayside planning Regulations. Two storey 5 unit developments with basements taking up a large proportion of the land area are not consistent with the neighbourhood character. Pushing beyond the Regulation limits is not acceptable even if we have to otherwise accept such a development is within the best interests of population growth.</p> <p>Advertised plan does not show provision for conforming to environmental & energy efficiency considerations. I would hope that Council encourages this in the planning phase of the development. No solar panels are shown in the plan. It is difficult to know how this will impact visually for the neighbours.</p> <p>Landscape plan pdf and the Advertised Plan pdf are incongruous- Landscape plan shows pools for Units 1 to 4 which are shown as Private Open Space including vegetation on the Advertised Plan. Consideration of permeable paving. Paths are shown as having a concrete base which is not permeable increasing the risk of flooding into neighbouring properties.</p> <p>Construction phase- dust drift from excavation will potentially impact washing lines located in rear of 89 Martin Street. Builders working on the first storey and roof will have direct sight into main bedroom of 89 Martin Street which is located at the North East corner of the house. Although this development proposal is only being considered for the planning phase, I would like my concerns on the record as the peaceful enjoyment of our home is likely to be impacted for one to two years in the construction phase.</p>		

I am a co-owner of 5/87 Martin St located on the Southern Side of the development.

My main concern is the loss of sunlight as the new development will completely occupy our northern aspect. This is more than a loss of amenity: sunlight is a God-given right to enjoy and it was one of the reasons why we bought the place.

Loss of Sunlight and Shadowing

Apartment 5 has two bedrooms and a study, all with North facing windows. I am going to lose the majority of sunlight into my home and garden between the hours of 9am and 3pm.

The plans show a roof height of 6.56 metres.

The side set back of the build is 3.11 metres adjacent to my property and my property is 4.5759 from the boundary. (Both measurements shown on TP3.1 of the plans.)

The total distance of the build from my place is 7.6859 mts.

Using the Res Code A14 and B21 Overshadowing of Open space length of Shadow on 22nd September table below I have shown the shadow length over my private open space and home. according to the Res code I should receive a minimum of five hours of sunlight between 9am and 3pm on 22nd September however this will not happen.

The development will block all my light at 9 am and 3pm and I will be lucky to get a maximum of 2.57 mts of light for one hour at 12pm. I request the building height be reduced or the build further set back to allow light at 9am and 3pm.

le 9am calculation multiply 1.6 x 6.56 mts height = 10.5mts of shadow over a distance from build of 7.685mts.

7.687 - 19.5mts shows -2.81 mts

Pg 20 Res Code Length of Shadow on 22 September

Time	Sun Altitude (degrees)	Shadow Length of a 1 metre high post 9m)	Shadow in mts with minimum roof height 6.56mts	Sunlight impact in mts home 7.685 mts from build ie (7.685 minus shadow length)	
9am	32	1.60	10.50	-2.81	Total shadow
10am	41	1.15	7.54	0.14	sunlight
11am	49	0.87	5.71	1.98	sunlight
12 noon	52	0.78	5.12	2.57	sunlight
1pm	50	0.84	5.51	2.17	sunlight
2pm	45	1.00	6.56	1.13	sunlight
3pm	36	1.38	9.05	-1.36	total shadow

Side Set Backs

Distance and height from the planned development are a big concern. The plans show a build height of 6.56 metres and that requires a minimum side set back of 3.8mts according to Bayside Planning Scheme yet the set backs are as little as 3.04-3.61mtrs on the ground floor and between 3.07m -3.61m on the first floor. The plans do not comply with the ResCode setback requirements, which specify that buildings should be set back from boundaries to ensure adequate separation between buildings and to protect the privacy and amenity of neighbouring properties.

These set backs are too small and so is the unavoidable amount of noise and dust during construction, plus the presence of a much larger community next door.

Flat Roof

The flat roof form is not in line with the character of the area. It appears to be an attempt to reduce overall height but the inability to meet minimum setback requirements is an example of a proposal that is trying to fit too much on the site. A pitched roof at the same or lower roof height would allow a lot more Northern light in.

Shared Pathway

There is a lack of landscaping along the shared boundary as a result of the path. There will be a lack of privacy for the residents as well as noise coming from this common area as well as lighting that will shine into my property.

A minimum set back of 3.8 metres in line with the res code and bayside's planning policy and retention of the tree hedge will help to address this so that the amenity of existing residents is maintained.

Solar/ Heating/ Cooling

The proposed designs show no details regarding solar, heating and cooling which will further impact my amenity in their placement and noise levels. Will these be placed on the roof and increase shadowing or on the Southern side and increase noise levels.

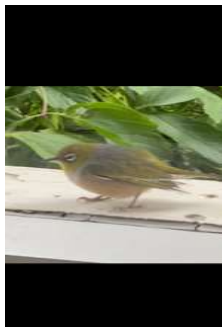
Trees

I have counted all the trees on The Arborist Report Appendix 2 that state 'remove permission not required'. A minimum of 54 trees are to be removed from the site. This includes every tree on the boundary line. They are labelled 10 & 11. I strongly object to the removal of trees my adjacent boundary line.

I look out onto a beautiful hedge of trees that will all be removed. This photo is the Northern Garden of 5/87 Martin st and shows the boundary trees located at 101 Cochrane st that provide privacy and greenery to the garden and habitat for birds that I enjoy listening to.



There are five trees labelled no 11. They are *Pittosporum Undulatum* and labelled as 'a weed' and the Arborist Report states 'remove permission not required'. According to Australian Native Plants Society the '*Pittosporum undulatum* is a native tree. It provides dense shade and has small, white, fragrant flowers in Spring and early Summer followed by orange-tan berries and its berries are attractive to birds.' It also forms a habitat for birds such as the endangered pardalote which has been sighted here. See photo of sighting from window at 87 Martin st.



I understand some trees may be in the way of the development but I am requesting that the trees labelled no 11 are retained.

They are on the boundary and not in the way of the build.

Landscape Plans

The landscaping plans submitted with the development show in place of the trees being removed on my adjacent boundary only 2 trees and 10 smaller shrubs will be planted in their place.

Landscape Plans Planting

CB 2 x *Carpinus betulus* 'Fastigiata' Upright Hornbeam trees that will grow to a maximum of 1.8 metres. This tree is not native to Australia and is deciduous.

SSN10 *Szygium paniculatum* Narrow Brush Cherry Shrubs that grow to a maximum of 1.2 metres

There is the ability here to retain the vegetation on the boundary as it will take ten plus years for the trees to reach maturity which is completely unacceptable and does not address the lost of privacy and native habitat.

Please protect the current hedge of trees labelled 10 and 11 or at the very least the trees labelled 11. They will continue to provide a privacy barrier, absorb noise from the extra residents and air conditioning units and protect local fauna. If the trees are not protected. I request that leafy native trees with a minimum height of 2 metres are planted in their place to cool the environment and retain the wildlife and bird life flight paths and fauna ie bees essential for pollination and food supply.

Bayside website states 'Trees are not only important to enhancing Bayside's immediate liveability but preserving them now is vital to our future.'

The ResCode is intended to ensure that new developments are designed to be compatible with the surrounding area and to protect the amenity of existing residents. If we disregard the rights of residents allowing the loss of sunlight between 9am and 3pm the community will be deprived of the right to a healthy living environment.

The proposed development will have an adverse impact on the character and amenity of the neighbourhood by being out of scale with the surrounding buildings and creating overshadowing issues.

I ask that it be scaled back in height and set back to preserve amenity to all residents current and future.

Thank you
Patrizia Burley

Item 4.4		Objector (O) Supporter (S) Applicant (A)
23 Hotham Street, Beaumaris		
1.	Mr Lee Ingram	(O)
<p>To whom it may concern,</p> <p>As previously communicated, my objection to this development is due to both precedence and the well-being of the community:</p> <ul style="list-style-type: none"> - there are currently no dual occupancy houses in Hotham St - a designated low density zone - the council recently rejected a plan to develop 32 Hotham St - if this is allowed then there is an equity issue - there is already a strain on services for this street with issues relating to storm water - there are currently parking issues on Hotham Street - a narrow street unlike other surrounding streets - another two families instead of one family is additional congestion - we have many kids using Hotham St to get to the high school, additional cars provides a higher safety risk - we paid a lot of money to buy and build a single dwelling in Hotham Street - this development prioritises money over street appeal - the proposed dwelling will change the aesthetic of the street and will open the option up to others - forever changing Hotham St - Beaumaris does not have a train station and therefore Bayside density decisions should be made relative to the train lines. People chose to spend a lot of money to buy in Beaumaris because of its appeal. 		

Item 4.5 15, 17A & 17 Abbott Street, Sandringham	Objector (O) Supporter (S) Applicant (A)
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1. Mr Peter Weller	(O)
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Written Statement of Peter Weller, 6 Brooklyn Place Sandringham (objector)
Application No. 5/2023/233/1
 Agenda Item No. 4.5
 Meeting 14/11/23

PRIVACY

In case anyone needs reminding the issue of privacy concerns the interest of a person, in this case the occupants of No.6 Brooklyn Place ("No.6") in sheltering or protecting their personal lives from unwanted interference or public scrutiny.

Here the right to privacy impinged upon or interfered with, namely the units numbered 1.05 and 1.06 on the first floor, 2.03 and 2.04 on the second floor and the terrace on the northern side of the application will be the ability to overlook private open space at the front of No.6 and see without impediment through floor to ceiling windows and double french glass doors directly into the personal habitable space of No.6 comprising the master bedroom and attached en-suite toilet and shower, first floor balcony and library/ office area. Consequently the domestic and personal activities engaged in by the occupants in those spaces including getting up from bed, dressing, moving in and about between the master bedroom, toilet or shower will be open to observation or prying by occupants and visitors in or to the units and terrace complained about, whether inadvertently or deliberately in the absence of adequate appropriate screening of the balconies and private open spaces.

The ability to overlook is conceded by the applicant's own amended plans and I refer to TP3-103. Reliance by the applicant on the extent of the overlooking exceeding the 9 metre arc, albeit by less than 1 additional metre in the case of No.6, as the reason for not requiring appropriate screening presumably when the activities of the occupants of No.6 won't or can no longer be visible or observed beyond the arc from the offending balconies is not only patently nonsensical but also flies in the face of the innate curiosity or inquisitive propensity of humans even if the invasion of privacy is only unintentional.

Finally, for the Responsible Authority to maintain it is unable to insist upon the applicant providing appropriate screening appears spurious in the circumstances. Council has already indicated it's flexibility to certain changes sought by the applicant in ameliorating or reducing other requirements and obligations under the planning scheme. Consequently the purported inability of the council to compel screening in this instance is disputed and adequate appropriate screening should be insisted upon. Therefore I reject any assertion the 9 metre arc is the sole and final determinant of the overlooking issue.

THE APPLICATION

No proper consultation. The applicant's invitation to attend a meeting t the outset was couched in terms of a marketing event constituting nothing more than a public relations exercise. In addition the applicant or it's representatives have repeatedly omitted or failed to return phone calls. No attempt to engage in constructive discussions with the objectors most seriously affected by overlooking has ever been initiated by the applicant. Most recent phone calls (3) by me today have not been returned. Accordingly the applicant is being disingenuous if it relies on it's public relations exercise as appropriate and constructive consultation.

Submission of the applicant's initial application, which omitted altogether any reference to overlooking conveys to No.6 it's dismissive attitude to the issue of privacy in the face of the unanimous concerns of objectors. The applicant only deigned to include the overlooking diagrams after objections to the initial application were forthcoming. Significantly screens along the Abbott Street frontage of the application have always appeared on plans ostensibly for the benefit of the privacy of those occupants but the same consideration or concern for the objectors affected by overlooking on the north side have been dismissed or ignored.

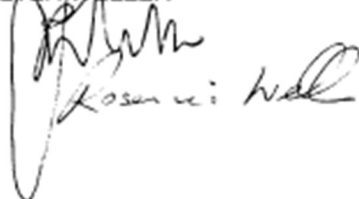
Some information furnished with the amended plans has been confusing or incomplete in the level of description or detail provided particularly in connection with the identification and extent of the areas affected by overlooking and by failing to denote reference to the relevant property affected. Interestingly the terrace space originally intended along the eastern side has been deleted from the amended application presumably because of overlooking.

The application has, in effect, 2 frontages - Abbott Street in the south and Brooklyn Place (BP), a public thoroughfare, in the north. Therefore the same restrictions, including setbacks applicable to Abbott Street should apply to the northern frontage to BP, which each way vehicular lane of only 2.3 metres in width, is also used increasingly by older pedestrians. Accordingly due to the narrow width of BP, and it's increasing use compared with the expansive width of Abbott Street and it's footpaths, it would appear more appropriate from a planning perspective including the amenity of residents generally that further setback be provided for on the northern side of the application.

In the circumstances and without derogating from the rights of No.6 generally I seek the further amendment of the applicant's plans providing for the installation of diagonal directional screens of 1.75 metres in height along the northern sides of the balconies and private open space of units numbered 1.05 and 1.06 on the first floor, units 2.03 and 2.04 on the second floor and northern side of the terrace, such agreement to be in writing with and binding upon the builder/developer.

dated 09/11/2023

PETER WELER

A handwritten signature in black ink, appearing to read 'Peter Weller', is written over the typed name. The signature is cursive and somewhat stylized.

Bayside City Council Planning Application 5/2023/233/1. 15-17 Abbott Street.

Our property is 4 Brooklyn Place which is on the northern side, across the laneway. We believe there are significant impacts for us should the development proceed.

We contend that our loss of privacy will be significant.

- From the Report: Be designed to limit views into secluded private open space and habitable room windows of adjacent dwellings. The location of the proposed roof top decks ensures that there will be no potential for unreasonable overlooking. **Contend any possibility of overlooking is unreasonable for anyone below the structure.** The nearest secluded private open space/habitable room window of adjoining property is beyond 9 metres from the edge of a proposed roof top deck. The planning scheme requires screening measures when roof top decks are located within 9 metres. **Argument against the laneway is narrow as it is. It's not the same as the overlooking principle to Abbott St. Secondly and based on the narrow laneway, should not the 9m rule be a rule of thumb measurement, not a hard and fast one?** Based on the proposed setbacks to adjoining properties, no screening measures are required. Furthermore, due to the setback of the roof top decks from the edge of the roof below the roof will act as a screen to further obscure views towards neighbours. **Our loss of privacy will be significant and contend more than reasonable/legal standards should be applied than is the case. We strongly contend appropriate screening should be installed as an added measure.**
- From the Report: Strategic Justification. While any increase in population density will likely increase the level of activity around the site and area, it is not envisioned that such an increase would be detrimental in this location. **Refute this statement: Increased population density will undoubtedly mean more pedestrians and vehicles (with noise, traffic congestion and like impacts), building plant noise, rubbish bins, unsightly authorised and authorised rubbish collections. These will decrease our current levels of enjoyment of the precinct.**
- From the Report: Design and Development overlay. The roof deck structures are also well setback from all side boundaries which ensures they will not be dominant to neighbouring properties.

Disputed: occupants will still be able to look down on our front yard and rooms (dining, bedroom, en suite).

- From the Report: Be designed to limit views into secluded private open space and habitable room windows of adjacent dwellings. The location of the proposed roof top decks ensures that there will be no potential for unreasonable overlooking. Contend any possibility of overlooking is unreasonable. The nearest secluded private open space/habitable room window of adjoining property is beyond 9 metres from the edge of a proposed roof top deck. The planning scheme requires screening measures when roof top decks are located within 9 metres. Argument against the laneway is narrow as it is. It's not the same as the overlooking principle to Abbott St. Secondly and based on the narrow laneway, should not the 9m rule be a rule of thumb measurement, not a hard and fast one?

Item 4.6		Objector (O) Supporter (S) Applicant (A)
2 Burgess Street, Beaumaris		
1.	Mr Dean Petracca	(O)
<p>From: Residents 421 Beach Road 1/422 Beach Road 2/422 Beach Road</p> <p>Re: Build Variation Application PP5 -2017 5095-2 Burgess st Beaumaris Building planning</p> <p>We the residents as listed... Object to the addition of the deck as presented for the following reasons:</p> <ul style="list-style-type: none"> • Privacy: The proposed deck (87 sqm) is to be placed at a height that allows full view into the back yards and rear of houses of all properties on the closest boundaries especially in consideration of height of the land and property in relation to all Beach Road property being at least 6 meters lower at ground level alone before the building works. This would see a minimum 28.55 fl to the new deck above the properties on Beach Rd. Some refuge is taken by foliage of a tree however this is not a forever item and only provides limited protection. • Noise: The proposed deck is of a height and location that any use would be easily heard in the first floors of 421, 1/422, and 2/422 Beach Road. • Over shadowing: the additional height will likely cast additional shadows on the adjacent properties to the South. • Height restrictions: given the height of the house (already three stories on the southern side) the extra height would likely contravene zoning restrictions. • The house is already not in keeping with the neighborhood character overlay and this extension exacerbates this issue. <p>Your Sincerely</p> <p>Vivian Charalambous 421 Beach Road Therese Charalambous 421 Beach Road Dean Petracca unit 1/422 Beach Road Anne Petracca unit 1/422 Beach Road Simon Hemingway 2/422 Beach Road Judy Hemingway 2/422 Beach Road</p>		