

# Requests to be Heard

14 May 2024

Planning and Amenity  
Delegated Committee Meeting

## Requests to be Heard

### 14 May 2024 Planning and Amenity Delegated Committee Meeting

<b>Item 4.2</b>		<b>Objector (O)</b>
<b>61 Scott Street, Beaumaris</b>		<b>Supporter (S)</b>
		<b>Applicant (A)</b>
<b>Written Statements</b>		<b>(Page 5)</b>
1.	Mrs Lorraine Borneman	(A)

<b>Item 4.4</b>		<b>Objector (O)</b>
<b>26 Weatherall Road, Cheltenham</b>		<b>Supporter (S)</b>
		<b>Applicant (A)</b>
<b>Requests to Speak</b>		
1.	Mr Clint Collins	(S)

<b>Item 4.5</b>		<b>Objector (O)</b>
<b>1 Arnold Road, Brighton East</b>		<b>Supporter (S)</b>
		<b>Applicant (A)</b>
<b>Requests to Speak</b>		
1.	Ms Natasha Menon	(A)

<b>Item 4.6</b>		<b>Objector (O)</b>
<b>303–307 Reserve Road, Cheltenham</b>		<b>Supporter (S)</b>
		<b>Applicant (A)</b>
<b>Requests to Speak</b>		
1.	Mr Warwick Hill-Rennie	(S)
2.	Mr David Pontifex (on behalf of Atkinson Pontifex)	(S)
3.	Mr Andrew Murray (on behalf of Moull Murray Architects)	(S)
4.	Mr Jason Barnfather (on behalf of Squareback)	(A)

<b>Item 4.7</b>		<b>Objector (O)</b>
<b>14–16 Male Street, Brighton</b>		<b>Supporter (S)</b>
		<b>Applicant (A)</b>
<b>Written Statements</b>		<b>(Page 6)</b>
1.	Mr Anthony Johnson	(O)
<b>Requests to Speak</b>		
1.	Mr Henry Johnstone (on behalf of Ratio)	(A)

<b>Item 4.8</b>	<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>39 Advantage Road, Highett</b>	
<b>Written Statements</b>	<b>(Page 9)</b>
1. Mrs Katie Tukker	(O)
<b>Requests to Speak</b>	
1. Mrs Jennifer O'Callaghan	(O)

<b>Item 4.9</b>	<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>172 Bluff Road, Black Rock</b>	
<b>Written Statements</b>	<b>(Page 10)</b>
1. Mr Luke and Mrs Colleen Adamson	(A)
<b>Requests to Speak</b>	
1 Mrs Colleen Adamson	(S)
2. Mr Luke Adamson	(A)

<b>Item 4.10</b>	<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>7 Lansdown Street, Brighton East</b>	
<b>Requests to Speak</b>	
1. Ms Karen Kimber	(O)

<b>Item 4.11</b>	<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>423–424 Beach Road, Beaumaris</b>	
<b>Requests to Speak</b>	
1. Mr Hugh Feggans (on behalf of Aych Architecture)	(A)

<b>Item 4.12</b>	<b>Objector (O) Supporter (S) Applicant (A)</b>
<b>47 South Road, Brighton</b>	
<b>Requests to Speak</b>	
1. Dr Georges Fast	(O)
2. Mr Ian McKay	(O)
3. Mr Grant Bennett	(O)

# **WRITTEN STATEMENTS**

Item 4.2 61 Scott Street, Beaumaris	Objector (O) Supporter (S) Applicant (A)
<b>Written Statements</b>	
1. Mrs Lorraine Borneman	(A)
<p>Over the last years we have had 2 significant events whereby large branches of our liquid amber have broken off and fallen causing damage and potential risk of injury.</p> <p>1. In Apr-2022 a large branch crashed through the joint fence with neighbours at 59 Scott Street and across their driveway. Fortunately, their vehicles were not present in the driveway at the time.</p> <p>2. During Jan-24 a more catastrophic outcome was avoided when 2 large branches fell across our front fence, public footpath and nature strip. Fortunately, there were no pedestrians in the area at that point in time.</p> <p>Due to these events, we now do not allow our grandchildren to play in the area. The concern to us is that the events do not appear to be weather-related and that the risk of re-occurrence is high.</p>	

Item 4.7		Objector (O) Supporter (S) Applicant (A)
14–16 Male Street, Brighton		
Written Statements		
1.	Mr Anthony Johnson	(O)
<p><b>SUMMARY OF OBJECTION POINTS TO 14 – 16 MALE ST. BRIGHTON REF: 5/2023/465/1</b>  <b>Submission by Anthony &amp; Judy Johnson, 41A Black St. Brighton</b></p> <p><b>Objection 1:</b>  <b>Inadequate obstruction of overlooking from all levels of the proposed structure causes significant detrimental impact to privacy and loss of amenity of adjacent apartments situated to the south side of the development known as Pillar &amp; Tide ('P&amp;T') and specifically Apartment 104</b></p> <p><u>Objections &amp; Impacts:</u></p> <ul style="list-style-type: none"> <li>• Apartments G03, G04, 103 and 104 of P&amp;T all have bedrooms and living areas with 3m floor to ceiling windows facing the north side boundary of the P&amp;T property</li> <li>• Unobstructed line of sight line from the proposed development second floor balcony directly into the three bedrooms, living room and balcony of P&amp;T Apartment 104. Although slightly over 9m distance, the human eye does not filter or obscure images at that distance. The modification made by the developer to add a screen to 1.4m (which is about 300mm sitting on top of the existing wall) does not obscure the direct line of sight for an adult of average height. The result is loss of privacy to P&amp;T residents</li> <li>• A resident on the first floor balcony of the proposed development has an unobstructed view directly into the bedrooms of Apartment 104 of P&amp;T by looking just a few degrees above the horizontal sight plane</li> <li>• Ground floor apartments of the proposed development can also view with an upward angle from their terrace or living rooms directly into bedroom windows of P&amp;T</li> <li>• Plants to Level 2 provide visual relief but are not a reliable privacy screen – not permanent, not failproof and don't obstruct all angles of view</li> </ul> <p><b>Objection 2:</b>  <b>Significant overshadowing, loss of natural and reflected light and loss of scenery causes detrimental impact to the amenity of residents at the adjacent apartments P&amp;T situated to south side of the development</b></p> <p><u>Objections &amp; Impacts:</u></p> <ul style="list-style-type: none"> <li>• P&amp;T Apt 104 enjoys unobstructed views, natural light, winter sunshine and privacy to the north side of the building. This northerly aspect is a critical construct of apartment living amenity as it provides warmth from the sun during the coldest winter season and an abundance of natural light.</li> </ul>		

- The developer submission depicts overshadowing in September. The crucial period for assessing detrimental impacts caused by overshadowing and an overall reduction to reflective daylight is between May and September. The sun is significantly lower to the north horizon during the winter period, causing more extensive loss of natural and reflective light as well as casting longer shadow.
- Loss of direct, natural and reflective sunlight during winter will result in loss of thermal mass retained by the P&T building and drive up the energy costs for residents.
- North facing residents of P&T apartments enjoy largely unobstructed views from their living, bedroom and balcony areas. The view is an aesthetically pleasing blend of vegetation, trees and plants and a relatively unobtrusive residence. The proposed development replaces this with hard surfaces, structural mass and visual bulk, causing loss of amenity.

**Objection 3:**

**Significant risk of destruction of wildlife habitat and visual amenity through damage or destruction of three mature trees on adjacent properties to the south and east boundaries of the development, impacting neighbourhood amenity**

Objections & Impacts:

- Potential to cause irreparable damage and possible destruction to three significant mature trees situated in adjoining properties
- The three trees provide an extensive green canopy and natural green relief for the surrounding area. This provides natural habitat to an extensive array of native wildlife and birdlife
- Should any or all three trees die because of the development impinging upon their root systems or canopies, residents will experience a substantial loss of greenery and natural vegetation in what is already a highly developed neighbourhood
- Preliminary Tree Assessment report with site photos submitted were taken during a period of dormancy for these trees, potentially giving the impression that the trees are not healthy. Each is flourishing today
- Tree 1 - Jacaranda is flourishing. Development could result in major pruning of canopy and root system when excavating site
- Tree 2 – English Elm is also flourishing. Development could result in major pruning of canopy and root system when excavating site and potentially kill the tree
- Tree 3 – English Elm at rear is mature, remains viable with a substantial green canopy.
- There previously was a protection plan in place for the trees at Pillar & Tide development in 2021 and 2022 and formed a key visual amenity to the building and its surrounds

**Objection 4:**

**The proposed development will add visual bulk, excessive density, overdevelopment, excessive noise and overcrowding of the immediate neighbourhood, resulting in loss of amenity for existing residents of surrounding apartments and landed properties**

#### Objections & Impacts:

- Three storeys over basement multi-dwelling development will add substantial visual bulk to the immediate surrounding neighbourhood
- There are four large three-storey apartments in the immediate vicinity plus three additional large developments approved. The distance and separation between these building sites is increasingly narrowing and shrinking, resulting in a visual appearance of excessive bulk in the neighbourhood.
- I understand Council's desire to increase housing density around the MAC of Church Street; however, the current planning approach and approvals will soon turn the area into an urban wasteland of concrete monoliths containing shoe-box sized apartments
- Immediate neighbourhood is characterised by a balance of some large apartment dwellings, some town houses with lesser density and some single storey landed properties. The approval of another large apartment building is tipping the balance of the neighbourhood character and moving it into a high density and overdeveloped character which comes with increased noise pollution, local traffic, parking congestion and overcrowding that adversely impacts existing residents' amenity
- It is wrong that Council's Planning department can indicate that another large concrete box is in keeping with the existing and emerging character of the neighbourhood
- The addition of 19 residences in one development represents excessive density and is disproportionate to the development site size. The P&T development provisioned 16% fewer residences (i.e. 16 apartments) on a plot size that is approximately >35% larger
- Addition of another 19 families residing at the proposed development could result in 76 new residents on the site
- Incremental traffic, parking congestion and noise from up to 76 occupants at the proposed development will have substantial adverse impact on the amenity

#### **Objection 5:**

**The proposed development design, incorporating single bedroom apartments, as well as the expected low building construction cost is incongruent with surrounding developments, aesthetic finish and building quality of the neighbourhood**

#### Objections & Impacts:

- Five 1 bedroom apartments contained within a very small living space. This is incongruent with most other apartment buildings in the vicinity. The 1 bedroom apartments are situated on the light deprived south facing boundary of the development, further diminishing the amenity of prospective inhabitants
- Estimate of \$6 million development costs appears understated for a development of this size and is incongruent with the build quality, finish and premium character of surrounding developments and properties. P&T insured its building for ~4 times that value. How is the difference possible given construction costs are 30% higher? A low quality development will reduce the amenity of surrounding residents.



Item 4.8		Objector (O) Supporter (S) Applicant (A)
39 Advantage Road, Highett		
Written Statements		
1.	Mrs Katie Tukker	(O)
<p>As residents living across the park from this location, we are concerned with the establishment of a distillery at 39 Advantage road.</p> <p>We are concerned about the noise that would be generated by people leaving the venue in the evening, which would disrupt the peace and quiet of the neighbourhood and affect the ability of our young children to sleep peacefully. Their bedroom window faces onto the park so sound will travel directly and we are concerned that despite music volumes being low, the decibels of patrons socialising will disrupt sleep.</p> <p>In addition, there is very limited on street parking available at and near this location, and we are concerned with the impact of increased traffic on the surrounding streets.</p> <p>While we appreciate the social opportunities a distillery may bring, we urge the council to consider these potential negative impacts on the neighbourhood, and if the application is granted, that appropriate measures are taken to mitigate the negative impacts of traffic, and noise after 7:30pm in the evening.</p> <p>We regret not being able to attend this evening, as we value the opportunity for consultation and discussion to reach an amenable conclusion.</p>		

Item 4.9 172 Bluff Road, Black Rock	Objector (O) Supporter (S) Applicant (A)
<b>Written Statements</b>	
1. <b>Mr Luke and Mrs Colleen Adamson</b>	<b>(A)</b>
<p>Dear Council Members,</p> <p>I am writing to request support for the decision regarding the removal of 2 native trees on the boundary of my property located at 170 Bluff Road and on the title of 172 Bluff Road. The recommendation, as communicated in the agenda suggests the removal of only one tree instead of the two trees requested in the application.</p> <p>I respectfully submit this ‘appeal’ on the grounds that the assessment solely considered the application with respect to vegetation, without duly considering the underlying reason for the request. The primary purpose of the application is to facilitate an extension to our 1948 Bayside blond brick which perfectly depicts the Character and Heritage of Black Rock. We have worked with multiple Architects to reach the final design that brings the home in line with modern liveability standards and have diligently explored alternative measures to preserve the trees while still proceeding with the extension project. However, after consulting with certified arborists and construction experts, it has been determined that the removal of both trees is the only viable option. In addition, our design purposefully preserves the frontage of the home and the extension has no change to the view from the street (see Image, Appendix Fig 2). If an architect were to approach the design accommodating preservation of the 2 trees then the only solution would be to knock down and rebuild, which goes against our morals and the councils policy plan <b>“Land use will enhance Bayside’s liveability and protect the distinctive heritage and character of our various localities”</b>. Beyond the safety aspects and damage to existing property that the trees are creating, this decision primarily comes down to sustainably replanting the 2 trees <b>OR</b> knocking down the existing dwelling at 170 Bluff, clearing the site of all trees and rebuilding.</p> <p>Councillor Laurance Evans kindly took the time to visit our home and listen to our plans, in this instance he has offered his support the saving of such a characterful and ‘heritage’ home and sustainable replanting of the Banksia in question. He saw our passion for both period architecture, Bayside and the environment.</p> <p>Outside of the extension plans we have brought to the attention of the planning office the 2 trees in questions also pose a safety threat and are damaging the current properties. The councils arborist did want to view trees from the perspective of 170 Bluff and therefore would not have seen our raised driveway from the Banksia or the substantial lean of the Coastal tea tree over our home. The driveway has been raised to the point that a SUV cannot fit under the garage door without deflating the tires. Fig 1 in the appendix is the cover letter sent to planning officer as part of our 2<sup>nd</sup> application, which was omitted from review as well as the supplied 19 page drawing package (Drawing list shown in fig 1 and package available here <a href="https://www.dropbox.com/scl/fi/kbvg0d0p9fhe3nx8k9n55/20231030-TT-170-Bluff-Road.pdf?rlkey=nwlki1bco1a6njg23ehgt3py8&amp;st=2hum5r1f&amp;dl=0">https://www.dropbox.com/scl/fi/kbvg0d0p9fhe3nx8k9n55/20231030-TT-170-Bluff-Road.pdf?rlkey=nwlki1bco1a6njg23ehgt3py8&amp;st=2hum5r1f&amp;dl=0</a> )</p> <p>We reached out to Landscape Architect “Mike Smith and Associates’ who specialise in native flora and fauna and have designed many Bayside council projects (including the impressive Aboriginal Gardens at Bayside Council building). The design can be seen in agenda appendix documents. When we submitted these plans I included a cover letter from my wife and I detailing everything we were doing to ensure the sustainability of the native eco-system and improve the environment including safely removing all Asbestos from site (see Extract from cover letter in Appendix, fig 3) . This included the suggestions of going above and beyond the councils requirement of 200% replacement and planting at 300% replacement by including a Coastal Tea tree in the landscaping of 170 Bluff road. The current trees have a life expectancy of &lt;20yrs, with modern, educated and planned planting that landscape architects now possess, we would expect this 300% mature replacement to live beyond 100yrs and provide the flora to support the fauna into the future. This aligns directly with the councils policy plan to <b>“Lead and influence change to address the climate emergency and strive to reduce its impact in the health of our community, environment and the planet”</b></p> <p>Throughout the application my Architect and I have sought advise from the council and followed their recommendation and protocols. To our great disappointment the final assessment has been carried out omitting any review of the actual reasoning behind the request. My wife visited in person and was assured</p>	

that all the supporting information and considerations would be used in the assessment and I have emails stating all documents were being added to the case file. We are nature lovers and respectful of the native eco systems and would not ask to remove 2 trees for no reason. We provided multiple cover letters, support letters and documentation packages to ensure that the Planning officer had all of the relevant information required to make an informed decision. However the result is that the supplied report in the agenda captures very little of this documentation.

We would have expected the History of the application to capture a lot of this detail, but perhaps due to the address change this was missed. The "History" (section 1) only highlights the previous application made in May 2022 for the removal of a Coastal tree that completely blocked the neighbours Garage and does not include our initial application made 03/11/2023 under 170 Bluff road. This included the full 19 page plans for the extension and detailed why the trees needed to be replaced, as well as 15 page Town Planning Report. We were requested to reapply under 172 bluff road title as this was where the trees were located. We were assured the documentation from the original application would be carried through the application and included the proposed extension. This information was later provided again under a cover letter (See appendix Fig 1) with drawing package, 20231030-TT-170 Bluff Road, and has not been included in the report or the assessment. I have been advised that the Planning Officer can only make their recommendation based on the councils arborist report and the decision therefore goes to the P&A committee. My Wife and I have always been passionate about 'period' homes and the Bayside area, we bought the house from the original family that built it in 1948 and saw the potential to create a heritage character home with modern comfort. We believe strongly in sustainable living and reusing material where possible, we have plans for solar panels out of sight from the street and none on the preserved part of the home plus electric vehicle charging.

The approach we have taken to planning application clearly aligns with the Council's Plans and Strategies outlined in section 5 of the report and in light of the aforementioned considerations, I kindly request that the Planning Department and Council Members consider my application beyond the recommendation and grant approval for the removal of both trees. I am prepared to provide any additional information or documentation deemed necessary to support my appeal. We are family consisting of 1 Toddler, a dog and are now expecting our second child. Our current living situation is challenging with 1 child and impossible with 2, we are simply running out of time to progress our home project. If unsuccessful we will, most likely, have to sell at a loss to a developer and 170 Bluff site will likely be cleared and replaced with a modern home.

Thank you for your attention to this matter. I look forward to a favourable resolution to ensure the successful realization of my extension project while upholding environmental stewardship.

Yours Sincerely,

Luke and Colleen Adamson

APPENDIX

Refreshing Homes Pty Ltd

ABN 816 090 237 34  
www.refreshinghomes.com.au



Date: 02/04/2024

Dear Council,

My name is Tony, and I am the applicant for PP application number: 5/2023/455/1.

We are writing to provide the reasons for the removal of two trees, Tree 4 and Tree 5, located at 172 Bluff Road, Black Rock. The necessity for their removal arises from a proposal made for construction at 170 Bluff Road, Black Rock, VIC 3193.

There are no other feasible design choices for building at the location of the garage at 170 Bluff Road.

- Additionally, supporting the removal of the two trees, the arborist report indicates that Tree 4 poses a risk due to its significant lean towards 170 Bluff Road, with a large part of its canopy extending over the site.
- Tree 5, located near the existing driveway at 170 Bluff Road. The soil around the driveway serves as a vital source of water and nutrients for the tree, the existing tree has been causing damage to existing neighbour's properties.

Enclosed are drawings to supplement the application, intended as an appendix for the Council's tree assessment panel and the Councillor's review and consideration.

For Refreshing Homes Pty Ltd.

  
Tony To  
(Architect)

Drawing List

ID	Content	Page
A01	Content Page	None
A02	3D View	None
A04	Existing and Demolish Site Plan	None
A05	Existing and Demolish Floor Plan	None
A06	Existing and Demolish Elevation - I	None
A07	Existing and Demolish Elevation - II	None
A08	Proposed Site Plan	None
A09	Proposed Ground Floor Plan	None
A10	Proposed Elevation - 1	None
A11	Proposed Elevation - 2	None
A12	Proposed Elevation - 3	None
A13	Proposed Streetscape Elevation	None
A14	Proposed Coloured Elevation - 1	None
A15	Proposed Coloured Elevation - 2	None
A16	Site Garden Area Analysis	None
A17	Shadow analysis 09:00 AM	None
A18	Shadow analysis 12:00 PM	None
A19	Shadow analysis 03:00 PM	None

Figure 1: Cover letter 2nd Application + Drawing list from initial documentation



170 BLUFF ROAD, BLACK ROCK  
CONCEPT DESIGN 19.09.22

SK07 | PROPOSED FENCE PERSPECTIVE @ A3



Figure 2: Street Frontage view- supplied in Drawing package 03/11/23 – not considered

170 Bluff Road,  
Black Rock, 3193  
19/04/2024

Bayside Council,  
Bayside Corporate Centre,  
76 Royal Avenue,  
Sandringham, 3191

Dear Council,

I am reaching out to respectfully request your support for our planning application concerning the removal of two native trees situated on the boundary of our property (5/2023/455/1). While I deeply appreciate the importance of preserving our natural environment and the significant role native trees play in it, I must convey the pressing circumstances that have led to this decision.

My family, consisting of my wife, our young child, dog, and myself, are currently residing in a home whose layout and age are proving increasingly challenging for us. The presence of two native trees, one of which leans precariously over our house (see image below), poses a significant safety risk to our family. The other's root system is lifting the driveway on both properties to the point we cannot get an SUV under the garage door and blocks access for the neighbor's to their garage. Moreover, the construction of an extension to our home, including a garage, is essential for addressing our current living situation. Unfortunately, the only viable design that preserves the majority of the well-built 1948 home and keeps the heritage frontage involves building adjacent to the two aforementioned trees.

With my wife currently pregnant, it has become imperative for us to expedite our plans to create a living environment that is safe and suitable for our growing family. Additionally, we are facing the urgent need to remove all asbestos from both the house and garage. Given these circumstances, it is crucial for us to progress our plans swiftly to ensure the health and well-being of our family.

I want to underscore our commitment to preserving the heritage charm of our neighborhood and to mitigating any adverse effects of our proposed changes. We are fully prepared to replant suitable native species in place of those being removed and to adhere to any conditions necessary to minimize the impact on our local environment. We expect a 200% replacement requirement and have engaged a Landscape Architect specialised in Native vegetation management to look into the most suitable solution. The landscape architect,

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Micheal Smith and Associates, have worked on many of the Bayside council native projects including the Indigenous Gardens at the council buildings. Attached you will find their suggested solution which takes into account the objection received by the neighbor to our East for the removal of the Banksia, a highly valued native. We propose that in order to replace 200% on the title of 172 from where the 2 trees are being removed that 2 Banksia's are planted. One at the rear of the title to give the neighboring homes some welcome shade and the wildlife a sustainable home for the future. The 2<sup>nd</sup> would be in the front of the property, again supporting the native wildlife whilst giving the community a beautiful tree view from Bluff Road. Both trees would include native shrubs and buses at their bases to ensure native wildlife can thrive. In addition we would also welcome including a replacement Coastal Tea tree on our property as part of our landscaping, this would be at the front of the property, complimenting the 2 coastal tea trees on the boundary of 172. This would give a 300% replacement for the 2 trees and create a far more sustainable future for the trees. Please see the attached the suggested landscape plans, of course we would be very happy to work with the councils arborists to further improve the design.

To resort to the demolition and reconstruction of our home would not only disregard the cherished heritage of residences in Black Rock but also perpetuate unsustainable home building practices, undermining our commitment to preserving both our local heritage and the environment.

Your support in navigating this process would be immensely valued and appreciated. We are eager to work collaboratively with the council to ensure that our plans align with the best interests of our community. The application is on the agenda for the Planning and Amenity Meeting on the 16<sup>th</sup> May, and I plan to present for 2mins to aid the decision and answer any questions.

Thank you for considering our request. I am available to discuss this matter further and provide any additional information you may require at your earliest convenience.

Yours sincerely,  
Luke And Colleen Adamson  
0416517417

Figure 3: Extract of cover letter provided to Planning Officer, not considered