

WRITTEN STATEMENTS

14 September 2021

COUNCIL

MEETING

Item 10.2 Proposed Council land to restrict model aircraft (including drones) use without a permit (page 3)

1. Mr Rene Martins

Item 10.3 Dendy Street Beach - Proposed Erosion Mitigation (page 5)

1. Mr Andrew Monotti (on behalf of Brighton Bathing Box Association)
2. Mr Michael Caink

Item 10.5 Consideration of 7 Well Street, Brighton, as potential public open space (page 9)

1. Mr Miralem Basic
2. Mr John Quinn
3. Mrs Elizabeth Neal
4. Mrs Denise Kinnon

Item 10.7 Neighbourhood Character Review (page 13)

1. Mr Robert Harwood
2. Mrs Fiona Austin
3. Mr Jamie Paterson (on behalf of Beaumaris Modern Inc.)
4. Ms Caroline Lawton (on behalf of Beaumaris Conservation Society)

Item 10.9 2021 Bayside Christmas Carols in the Park (page 20)

1. Mr Troy Nicholson

Item 10.2

**Proposed Council land to restrict
model aircraft (including drones)
use without a permit**

1. Mr Rene Martins

Although I am not a resident of your council, I am worried that councils across Australia are trying to 'stop' Drone flyers (such as myself) from freely flying for recreation or indeed for Commercial reasons from areas that are not blocked by CASA which is the overarching governance that I need to abide by. I do have my RePL and REoC as well as Aroc certifications and only fly by the rules stipulated by CASA. I do understand that there are some areas of your (as well as across Australia) that might present a risk to others as they do not follow any rules at all and therefore causing issues for people/companies like me to gain some permits (at a cost) which I would not be able to gain for the date/time that I wanted to be in that area. I do agree that there should be some form of control but not sure how you could enforce that - i.e. have police or staff at each site to then stop community members from then flying in that area. Please don't force the need for a paid permit for sites that would allow drone flyers such as myself to also advertise your wonderful area of Victoria

Item 10.3
Dendy Street Beach
- Proposed Erosion Mitigation

1. Mr Andrew Monotti (on behalf of Brighton Bathing Box Association)

The Brighton Bathing Box Association views the current and rapidly deteriorating situation at the southern end of the Dendy Street beach precinct with particular alarm. It is a matter that we have been pressing with the Council and Council officers for a significant period. In addition, the Association has been considering various methods of remedial action for assessment by the Council and its environmental advisors (Cardno).

The erosion has reached a critical point, and temporary measures taken by the Council have not prevented, or even retarded, the pace of the destructive process. If effective and substantive remedial work is not undertaken immediately, the inescapable fact is that there will be nothing left of the dunes and associated vegetation at the southern end of the beach to protect and restore. A cursory visual inspection is sufficient to confirm this sad conclusion. The works that would be then required would involve, at best, an attempt to reconstruct a lost natural treasure.

In this regard, and as you would be aware, the Dendy Street beach precinct itself is a heritage site under the Heritage Act. Among other things, it is historically significant for its association with the development of beach culture in Victoria. As the Heritage Council observed:

“The Committee considers that the Bathing Boxes, along with an appropriate curtilage, allow the principal characteristics of bathing boxes to be readily understood by the Victorian community and demonstrate an association with the development of beach culture along the Victorian coastline.”

The Heritage Council stressed the interconnectivity of all aspects of the Dendy Street beach precinct:

“The values of the Dendy Street Beach landscape are very important in how the Bathing Boxes relate and connect to the city. The Committee determines that the Bathing Boxes within the cove of Dendy Street Beach and the vegetated landscape extant there have become an iconic feature together.”

The imminent destructive force of the erosion is acknowledged in the Executive Summary for the Ordinary Meeting of Council on 14 September 2021:

“Ongoing erosion is now an immediate threat to the beach and the Heritage Registered bathing boxes at the South end of the beach, and likely a long term threat to the Heritage Registered Place, the entire beach, all bathing boxes, aboriginal middens, remanent native vegetation and potentially Beach Road.”

The emphasis on the “immediate threat to the beach” and the “long term threat to the Heritage Registered Place” cannot be overstated and must not be diminished or qualified by reference to extraneous considerations.

It is integral to the consideration by the Council of this crucial matter that full and proper regard is given to the expert advice and recommendations the Council has received from Cardno (including renourishment), as evaluated and endorsed by the Council officers who have engaged with Cardno. Responsibility and accountability extend beyond Bayside ratepayers to members of the public generally who have a legitimate expectation that the iconic combination of characteristics of Dendy Street beach (which are world-renowned) are preserved and maintained for the enjoyment of all.

The Association is critically interested in the preservation and protection of the Dendy Street

beach and considers itself to be a custodian of the precinct. As a result, the Association supports the proposed short term mitigation measures and recommendations set out in Executive Summary. The proposed budget allocation of \$245,000 in the 2021–22 financial year to undertake these works is very reasonable, and is nothing in comparison to the financial resources that would be required, and significant and enduring reputational damage that would follow, if these works are not carried out with the urgency required.

The Association seeks the support of all Councillors for the approval and acceptance of these recommendations and their collective and active participation in giving effect to them.

2. Mr Michael Caink

Dear Mayor and Councillors,

I support all four recommendations made by council officers regarding Council Agenda Item 10.3 Dendy St Beach - Proposed Erosion Mitigation and hope you also support them.

The recommendations, supported by the coastal engineer report, set out a sustainable pathway for council to address erosion at the Dendy St beach and in doing so ensuring that the amenity, access, heritage (cultural and post settlement) and environment are preserved, with interim measures, and hopefully enhanced in development longer term solutions. I believe the officers and advisors have done a good job of considering the technical, cost and broader community issues related to the erosion mitigations works.

Appreciate councillors and officers time in looking at this matter and look forward to your advocacy and support for improvement to the Dendy St beach, to preserve its use and amenity for all beach users.

Regards,
Michael Caink

Item 10.5
Consideration of 7 Well Street,
Brighton, as potential
public open space

1. Mr Miralem Basic

Dear Mayor and Councillors

My name is Miralem Basic I like to respectfully ask for your support to designate number 5 and 7 well street Brighton for open public space with Children playground

And I say further to that

Bayside rate payers and residents in Bayside would benefit more from open public space with Children playground then 25 carspots.

To designate number 5 and 7 Well st Brighton would also go long with state and local policy, which seek to promote healthy living , minimize pollution, traffic congestion, increase safety in residential street .

Due to the history associated with anendment c165 un relation with 5 and 7 Well st Brighton any further rate payer money for survey would be wasted and would benefit nobody apart from small group of people considering that only limited number of carspots can be build.

Once again thank you and looking forward for you support to designate number 5 and 7 Well st Brighton for public open space with Children playground that is desperly needed considering the ongoing densification of the immediate area

Yours Sincerely

M.Basic

2. Mr John Quinn

I am a resident of 11 Well Street Brighton.

I note that at the 16 March 2021 meeting that Council resolved to undertake community engagement in relation to the use of 7 Well Street Brighton as a public open space and a study on the subject. I also note that \$40,000 of ratepayers money was allocated for this simple task. I further note that the council was to receive a report on that community engagement and study findings at tomorrow's Council meeting.

I am unaware of any "community engagement" on this matter since March. As a resident who lives two blocks from the site and who made submissions in relation to the incompetently proposed and failed Amendment C165 I would have expected to be consulted if genuine "community engagement" had been undertaken. It is also obvious from the Agenda item 10.5 for tomorrow's meeting that no study has been undertaken.

I now note that the Council executive, after a further 6 months, has not yet even established "a set of assessment principles" in order to undertake the "study".

The handling of this matter is a scandal. It is obvious from the March Council agenda that the Council executive have not accepted the wishes of residents or the determination of the Minister and is seeking to resurrect Amendment C165. The failure of the executive to complete the simple task assigned by Council in March reeks of defiance of Council authority. Such defiance would never be accepted by a Board of a public company.

As a consequence, I live next to an unsightly scare in Well Street which should have been converted into public open space many months ago for less than the \$40,000 assigned to a yet to be commenced study.

I repeat this is a scandal which Council must address and fix without further obfuscation and delay by the Council executive.

John C Quinn

3. Mrs Elizabeth Neal

As a resident of Well St. 2 house blocks from 7 Well St. I am very concerned that Council has not moved forward regarding this site. The Panel and the Minister both dismissed the use of this site for a car park. With more Unit development in Well St. the need for open space is obvious. This is a golden opportunity for a "Pocket Park "in a now densely populated area. The needs and wishes of residents, ratepayers, should no longer be dismissed as having no value.

4. Mrs Denise Kinnon

It is disappointing to note that in 6 months nothing at all has been done in relation to the resolution of the 16 March 2021 Council Meeting. It was resolved to undertake community engagement, to understand community views on the potential use of 7 Well St for public open space and complete a study on the opportunities and constraints at the site for public open space.

It was also resolved that \$40,000 be allocated for the community engagement and study of the site at 7 Well Street, Brighton.

When a resolution is made, as ratepayers, we expect that it is adhered to, and carried out in a timely manner.

Ratepayers have also not been made privy to the report being tabled to seek approval of the proposed "assessment principles" for the study. This is a key and relevant piece of information. I hope it outlines principles that require the study to give heavy weighting to the current zoning of the site and the cost/benefit to ratepayers of pursuing an inappropriate rezoning, and opportunity cost of net proceeds that might be achieved for a sale of this site.

Item 10.7

Neighbourhood Character Review

1. Mr Robert Harwood

Dear Mayor and Councillors of the City of Bayside,

RE: BAYSIDE NEIGHBOURHOOD CHARACTER REVIEW 2021 by Gossop Town Planning.

My interest in the report is specifically with respect to residential development within the Beaumaris Precinct H areas. It relates to my concerns over the loss of neighbourhood character in this local area through the regular demolition of significant contributory homes, where Council is yet to implement mechanisms that would prevent this, or additionally and alternatively enable new building to be of a suitable replacement design standard.

As an architect practicing in Bayside and living in Beaumaris I am very aware of the loss of amenity to these residential streets on a day-to-day level. My review of this consultant report, through the publishing of the Council Agenda, has enabled me to make an initial comments on it and to identify a number of areas of concern.

I request that Council provide an opportunity for engagement with the Consultants and Council Officers by construction industry practitioners, such as myself, so that our concerns and input can to be evaluated and included before this report is finalised and implemented. I believe such professional knowledge and perspective will lead to an improved result and outcomes.

I have provided my initial evaluation of the report for your consideration below.

Regards

Robert Harwood

EVALUATION OF THE GOSSOP TOWN PLANING REPORT

1. The lack of use of the Precinct Guildelines in planning assessments.

The use of the Precinct Guidelines in Council Council Officer assessment was reported to have been discussed by Gossop Town Planning in two meetings that they held with Council Officers. Precinct Guidelines were considered by officers to be of value, but were also stated as not often utilised in their reporting.

My view is that the consideration and use of these guidelines is far more important to protecting the neighbourhood than the adherence to 'ergonomic' type setbacks rules, which it seems assessments fundamentally are determined. Mere 'check-box' setback compliance leads to owners / developers using low-quality drafting services where these schemes can easily be generated to comply, but little more. Rather than using architects or other highly qualified building designers, who will also look at the neighbourhood character considerations and take these into account in the design process, we arrive at low quality solutions. The bar should be set far higher on the quality of applications.

2. The Definition of 'Character'

There appears to be a contentious and problematic definition of 'character' in the report that need

to be discussed, broken down and analysed. Refer to Consultant Report p.17-19 Council agenda 138-140 of 349

Why make Point 5. so descriptive of built features, but not define its 'architectural style'?

Why aren't architectural styles in themselves character or characteristic of an area?

Why would mimicry and copying be a problem if this will resulted in something that is a more 'comfortable fit' in the streetscape ?

3. Lack of coverage of single dwellings

The report acknowledges the lack of any planning legislation to include any single dwelling on lots over 500sqm and states this is more of a problem than dual occupancies. The current rampant Metricon-type houses are destroying neighbourhood character in Beaumaris. A mechanism to address this issue should be addressed in the report. It seems to me that a way to do this is the use of a NCO, however this is thrown out. This reaction seems to me to be shortsighted and un-analytical.

4. The Use of NCO as a Neighbourhood Character planning overlay.

The report authors refers to small NCO areas being successful (for example Meyer Court in East Brighton) but report that they could find no examples of any development application cases being lodged in the memory of the Council Planners interviewed within an NCO. They uses this un-empirical evidence then to claim NCOs only work for tiny precincts.

The report authors believe that the Clonmore / Hume / McNaught St precinct is not 'consistent' enough, though I would claim that eclecticism is a feature of mid-Century architecture. Perhaps the issue is the unconscious bias of planners to see early 19th Century architectural types of repetition as higher value than diverse and unique ones.

5. Precinct Guideline Content

The proposed amendments to the Precinct Guidelines seem to water them down even further to an extent they are so bland as to be useless.

They suggest merging H2 and H3 (already one of the biggest precincts in Bayside). I would think there is reason to divide into more rather than the reverse.

2. Mrs Fiona Austin

Re: Bayside Character Review 2021 by Gossip Town Planning

I was involved in the previous NCR and I am concerned that over the past 10 years many planners at Bayside City Council have been unaware of the existing Neighbourhood Character Guidelines for precincts in Beaumaris.

I have objected on a number of occasions to poorly designed dual occupancies and the planner involved has stated they were unaware of the guidelines.

I am concerned the NCR has watered down the requirements further and will not address my concerns that Beaumaris is losing its neighbourhood character.

As you are probably aware Beaumaris was at the time of the 1956 Olympics considered the best suburb in Melbourne for examples of contemporary architecture. During the 1950's and 1960's Beaumaris was home to over 50 architects.

In the past 20 years we have lost over 100 significant Mid Century Modern houses and sadly these have not been replaced with quality architecture (which was what Beaumaris was famous for) but with many cheaply built dual occupancies by developers.

The only way to ensure future developments are enhancing the character of Beaumaris is to have a rigorous process for neighbourhood character.

Sadly, in some cases good design with flat roofs and skillions roofs have been knocked back by planners saying a pitched roof is the preferred character.

Most disturbing was the emergence of faux vernacular styles. For example, a MCM house with the majority of the windows facing north along the block with wide eaves was replaced with a faux French Provincial house without any eaves and no windows to the north. This is why ideally Beaumaris need a NCO for all new dwellings.

Currently there is an emerging 'Hamptons' style which is also at odds with the neighbourhood character of Beaumaris. Even worse 'Hamptons Style' dual occupancies have been approved recently by Councils Planners which are at odds with the NC Guidelines for the precincts involved.

Why not set a high bar? Other councils in Victoria are creating 'Design Excellence' guidelines for their architecture. Rather than a 'box ticking' approach, why not create guidelines that encourage considered, contemporary quality architecture. Afterall ,that was the original character of Beaumaris

3. Mr Jamie Paterson (on behalf of Beaumaris Modern Inc.)

Bayside City Councillors.

Our committee have the following responses to the Neighbourhood Character Review:

Review process and amendments to NCZ's

The report recommends that the Council's Acting Manager Urban Strategy will prepare and submit a planning scheme amendment to introduce new Schedules, based upon Glossop Town Planning's review, excludes the opportunity to engage with the local practitioners and community advocates to any meaningful degree.

The report highlights: *the lack of a "whole of Council" approach to the implementation of neighbourhood character provisions.* They also note a lack of data concerning single dwelling approvals and hence the acknowledgement that Neighbourhood Character wasn't a consideration in the approval process.

So, it is a great shame that there is very little opportunity for broader input and scrutiny of the assertions made in the review and to the proposed changes to Neighbourhood Character Zones (NCZs).

Council is also pending a Heritage report which should inform this review, particularly in respect to the (previously under-recognised) predominance and significance of mid-century modern architecture in various H zones (Beaumaris & Black Rock).

Planning Officers lack of reference to Neighbourhood Character Guidelines

Glossop Town Planning's meetings with Council Officers is illuminating. As community advocates, the lack of reference and under-importance that planning reports give to neighbourhood Character guidelines has been alarming, and this resonates all the way through to Council representation at VCAT hearings.

This is symptomatic of "checkbox compliance" that predominates in Bayside planning. This has led to far too many new developments by low-cost drafting services where the design considerations are secondary to fitting as much built form on the block as they can get away with. In turn, this has eroded the existing Neighbourhood Character.

One example cited by Glossop Town Planning, being the Clonmore / Hume / McNaught Streets (Beaumaris) precinct, is given as an example of character not being 'consistent' enough to justify a Neighbourhood Character Overlay (NCO). Yet it largely is still very consistent but for approval of a handful of recent developments where Neighbourhood Character guidelines were largely not considered in the approval process.

We feel the report could be interpreted that as existing Neighbourhood Character consistency has been eroded and hence NCOs are less compelling and that NCZ's can be merged. Whereas we suggest that there is a strong argument for more defined zones, &/or the consideration of NCOs, as a positive approach, recognising remaining unique and largely in-tact precincts.

Architectural style in the definition of neighbourhood character

Glossop Town Planning make a point that they don't consider architectural styles, of themselves, being a characteristic of an area. However, this is in contradiction to the Planning Practice Note #43, that they refer to elsewhere.

Their concern that Neighbourhood Character adherence would lead to mimicry of architectural styles is unfounded. The problem our suburbs face is not that people are building mock versions of styles that are predominate, but rather they are building mock styles that have no context in the area.

For example, any recent Beaumaris development that takes inspiration from mid-century style is generally designed by an architect and considers neighbourhood character guidelines. Whereas the mock-Georgian, mock-French Provincial & even mock-Hamptons style developments that are emerging tend not to comply to setbacks, form, garden elements in the guidelines and don't have any contextual basis for complying on style.

Other areas of Bayside, including parts of Brighton and Gypsy village have been identified by the predominance of a consistent architectural style. However, the same standard isn't being applied with areas in Beaumaris.

Yours faithfully,

The Beaumaris Modern Inc. committee 2021
Fiona Austin, Annie Price, Jo Pritchard, Jackie Fish, Jamie Paterson, Robert Harwood,
Carlie Fraser, Christine Henderson, Karen Chaur

4. Ms Caroline Lawton (on behalf of Beaumaris Conservation Society)

Good evening all,

Just a summary of the NCR.

We feel there has been a lack of Community consultation, with the exception of the UFS reference.

We feel Beaumaris has not been identified as a "unique treed and bushy character coastal suburb" It has been lumped in with general suburban generic gardens that are a mix of exotic plants, grass and a few trees. What it has ignored is the actual indigenous bushy characteristics generations have worked hard to achieve. It is a result of dedicated residents working with seedbanks, native nurseries and local golf courses to achieve "indigenous native gardens" to strengthen the suburbs ecology, eco systems and habitat corridors.

Beaumaris needs to be addressed independently to the other Bayside suburbs so its unstructured bushland appearance and feel is protected and further expanded.

Whitehorse NCS identified 3 areas, Garden Suburban Areas, Bush Suburban Areas and Bush Environment areas. This classification could work well in Beaumaris.

We are concerned with the proposal to merge H2 and H3.

Beaumaris does have a mass concentration of Mid Century Homes and Gardens that deserve an overlay of protection.

The VPO3 is there for just this reason and therefore Beaumaris should be protected as such. Zones and overlays need to be enforced rather than "the loose term" Neighborhood character, which is not working.

Yes there is a mix of many styles of homes and garden in Beaumaris now, but that is only because our significant trees, gardens and homes have been demolished to make way for large Mc Mansions. This oversight should not be treated as a precedence.

Underground basement needs to be addressed in Vegetation Protection overlay zones as they have a substantial negative effect on future planting.

Global warming resulting in urban heat banks needs to be addressed in the NCR as does the protection of our bird and wildlife.

Thank you for your time.

Item 10.9
2021 Bayside Christmas
Carols in the Park

1. Mr Troy Nicholson

I'm writing this statement to ask Council not to cancel the Carols in the Park event in December 2021.

This Christmas is due to be extra special, it signifies the light at the end of a very dark tunnel. The hope that we have put the worst of the pandemic behind us, that things can begin to go back to normal and that people can meet with their loved ones over the festive period again.

To give up without even considering alternatives, such as a mandate attendees are vaccinated for example (not that i agree with that, but it can be an option) is particularly disappointing. It appears Council has taken the easy way out, at the expense of the community who are looking forward to the event and even the performers who have had 2 years without work and were no doubt eager to participate.

According to online trackers, Victoria is scheduled to reach 80% of population fully vaccinated by December 1st, 2021. Bayside is likely to hit that target earlier due to its high uptake of vaccines. So why are we throwing in the towel? The event will fall in the period of "opening up" as dictated by the Federal Government, so there is no excuse not to hold the event under basic Covid safe principles. Both State and Federal government rhetoric indicates the state will be open for business by this time.

In addition, cancelling the Carols but also advocating for Ironman Melbourne to continue is contradictory. Ironman is a high exertion event, which will draw hundreds of competitors and thousands of spectators. So the event is just as safe as a Carols event, so why is that one proceeding and Carols isn't? The Dept of Health have repeatedly told us that high exertion is particularly dangerous in terms of spreading Covid, which is why Gyms have been closed for so long. And that event is being held prior to vaccination targets being met, meaning its more likely transmission of Covid will occur there rather than at the Carols. How will a bunch of (presumably vaccinated) people sitting outside with social distancing at a Carols event spread Covid, but a bunch of people coughing, sweating and breathing next to each other in a sporting event not?

I understand the financial concerns Council may have with funding the Carols and cost recovery should something happen, but we should be optimistic the event can take place safely because that is what all levels of government have indicated.