

WRITTEN STATEMENTS

15 June 2021

COUNCIL

MEETING

Item 10.1 Governance Rules 2020 (2021 Review) (page 3)

1. Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc).
2. Ms Pauline Reynolds

Item 10.3 Mid-Century Modern Heritage Study - Update (page 6)

1. Dr Zena Burgess
2. Mrs Fiona Marshall
3. Mr Matt Marshall
4. Mrs Mary Larsen
5. Mr Peter Corfield

Item 10.5 Hampton Community Infrastructure Feasibility and Masterplan (page 14)

1. Dr Peter Betts
2. Mr Tony Batt (on behalf of Hampton Neighbourhood Association)

Item 10.6 Sandringham & Black Rock Streetscape Upgrades (page 20)

1. Mr Graeme Holmes

Item 10.1
Governance Rules 2020
(2021 Review)

1. Mr George Reynolds (on behalf of Bayside Residents Group - Ratepayers Victoria Inc).

STC150621.

Agenda Item 10.1. Governance Rules (2020).

While this item is billed as simply a name change, it is much more critical than that. The 2020 version of the rules was formulated in a different era and with different regulations. While the Public Transparency Principles and the Community Engagement Principles had been published, when the rules were reviewed, they were not introduced until July 2020.

Importantly, the Community Engagement and Public Transparency Policies had not been made into law; the Community Engagement Policy had not even been formulated, Neither Policy does not become a legal requirement, until 1st July 2021!

One characteristic of the Governance Rules (2020) is that they are seriously defective in terms of meeting the requirements of the Charter of Human Rights and Responsibilities Act 2006.- a major policy requirement

Councillors, it is important that before the introduction of revised Governance Rules, they be subject to a public review for compliance with the Community Engagement Policy and the Public Transparency Policy, both of which have been enacted since the last public review.

Compliance will become a legal obligation on 1st July 2021.

End of document; stc150621.

2. Ms Pauline Reynolds

I support to a degree the recommendation regarding the public being heard in relation to an Council agenda item and understand the reasons for a change. I have been speaker number 78 I think at a meeting which is difficult for both speakers and Council but there are some questions.

First, when was it decided to reduce the time allowed to address Council from three minutes to two minutes? There was no public discussion that I can find. Those Councillors who have actually spoken at council meetings before they were elected would be aware of how difficult it is to get your points into even three minutes without rushing and perhaps losing the meaning of what you are trying to convey during the address, however, if the public can be somehow reassured that written submissions will be read by Councillors, then that could be more meaningful and useful. Four pages of submission though is quite a lot to read particularly if the item is contentious and there are many submissions. Perhaps even two pages is reasonable to accept or expect?

Second, the recommendation states that up to ten speakers per item will be accepted, five for and five against. What if again the item has no one who wishes to speak either for or against but many who wish to speak the opposite way? eg many who wish to speak against an item but no-one who wishes to speak for? Does that mean that there would be only five speakers heard?

Third, there have been times when I have spoken at a meeting as part of a group but when there may have been only one other speaker but also part of that group. Must there be only one speaker now regardless of interest from say only one or two members of that group?

Fourth, who decides who the speakers are if many apply? Do the names get pulled out of a hat? The choice must be fair and arbitrary surely?

Lastly, I do appreciate the democratic privilege to be able to address a Council meeting and think that to completely prevent the public from being able to do that would be a completely retrograde step which must be avoided and I think that Councillors would agree.

Thank you

Pauline Reynolds

Item 10.3
Mid-Century Modern
Heritage Study – Update

1. Dr Zena Burgess

The issue of unwelcomed heritage listing of mid century homes has been in play for over a decade. With each study and decision the owner occupiers become more distressed as the value of their largest asset is threatened or reduced. The previous council decision of a VOLUNTARY listing was an acceptable solution as council was able to list some properties and recognise the owners rights for quiet enjoyment of their homes.

The stages of the current consultancy require site inspections and even onsite inspections. For any consultant to attempt to come onto a property will be considered trespass or home invasion as the elderly folks want no part of this study or listing. My mother is one of the unlucky residents subjected to this process and it is causing her great distress and I do not want her to go to an early grave about this matter. If the subject is mentioned she just cries. For a person in her 90s who struggled for years to pay off her home it is incomprehensible to her that the Council want to determine how she can live in her home. She doesn't want to go to aged care and is considering a lift but such renovations will be impossible once heritage listing occurs and she will be forced out. In addition the value of her home will be diminished by hundreds of thousands of dollars with few buyers which will again impact the quality of her last remaining years. This process preys on the elderly and frail.

VOLUNTARY listing is acceptable, compulsion is not and it takes away human dignity and rights. Would the Council take such action if it was your home or your mother? It is easy to hurt and damage someone if you don't see them harder to do when you know them. These residents are equally important to the fabric of the community and should have equal rights to enjoy their homes in peace. I ask the Council to explain how residents views and wishes will be prioritised in the study

2. Mrs Fiona Marshall

To Councillors,

Thank you for the opportunity to be heard virtually in these times.

RE: Agenda Item 10.3 Mid-Century Modern Heritage study - June 13, 2021

As a potentially affected homeowner, I am extremely concerned about the study that is being undertaken, and the potential outcomes.

Over recent years, I have found myself dragged into council on numerous occasions to defend my right to do what I want with the home I purchased – for a considerable amount of money. This nightmare seems to have no end. I have watched as vested interest groups have argued over their right to have a say on how my house should look / feel, and how I should live my life.

In 2018, the Council listened to all sides of the arguments, and **voted unanimously** to proceed with a Voluntary heritage scheme. This was a fair and just outcome to all. It provided a pathway for houses to be voluntarily listed for owners who wished to, whilst also respecting home owners rights. This came after months of community discussion and open debate – reinforcing democracy is alive in our council.

However, in 2020, after the topic was raised again, the Council changed their mind. Presumably this was after considerable lobbying by vested interest groups. Unfortunately at this time, there was no opportunity for the impacted residents to have a say on this – **which is extremely undemocratic and concerning.**

Since then, I have waited and watched as cars pull up to the front of my house and take photos, or just sit out the front and study the house. This is extremely invasive – especially when I have 3 young children whom love to play out the front of my house.

We purchased our home in good faith and poured our life savings into it, wanting it to be a house that we bring our 3 young children up in. This was the house that I grew up in as a child. A house I love. A house that after spending most of my 38 years in, I looked forward to living in for another 38 years more – in the manner and custom I want to. I don't want vested lobby groups telling me what I can or can't do to my house when I'm not telling them.

We now face the very real prospect of having a mortgage greater than our house value if our house is heritage listed. This is based on information from numerous real estate agents, and valuers. The stress of not having control in this situation is immense.

How can Bayside council be putting families and households under this pressure? In the middle of a pandemic and a recession?

I implore you to listen to the home owners of these MCM homes, often whom are not accustomed to working with the media or social media platforms.

Many of the most vocal pro heritage people are neither Bayside residents, nor do they ever want to own a Mid Century Modern home again. This is due to the ongoing maintenance cost. Here is an article from the leader of one of the lobby groups quoting they love them but would never buy one (<https://www.domain.com.au/living/interior-designer-fiona-austin-finds-her-forever-house-20170922-gw67ro/>).

Compulsory heritage on a home is unfair, unjust, and is a retrospective action that will have a large financial burden on the present homeowners. Knowing this was a possibility, many of these home owners would have never purchased such a house, including ourselves.

Can the councillors (all well-accomplished and respected) spend their valuable time on community matters that really matter to our community? Rather than investing in studies that the community have overwhelmingly shown they do not want?

I hope that you consider all the affected homeowners, in your approach to the outcomes from this study. They are the ones that will ultimately have to live with your decision.

Thanks for your time in reading this,

Regards,

Fiona

Fiona Marshall

3. Mr Matt Marshall

At the council meeting on 23 June 2020, council made the decision to prioritise the mid century modern heritage study in 2021, which would be funded via savings from the operational budget.

How does Council propose to provide compensation for any affected homeowners if they are heritage listed? Will this come from the council budget, and if so, does council plan to ask the community if they are happy for their rates to be put towards this compensation? Or if there are better things the council could spend the rate payers money on?

4. Mrs Mary Larsen

Submission to Item 10.3 Mid-Century Modern Heritage Study Update

Councillors, I would like to draw your attention to three matters in relation to heritage.

1. Lobby Groups:

Lobby Groups have been influential in focussing the attention of heritage to their agenda. The ongoing focus on Mid-Century modern (MCM) architecture is a result of successful lobbying, including this study.

Lobbyists submitted their “top picks for heritage listing” many years ago, , making presentations to Council Staff, kickstarting this whole focus on mid-century architecture. Documents obtained through Freedom of Information (FOI) reveal the extent of lobbying. For example, lobbyists sought guidance on strategies to sway the council-decision making process with reference to the Heritage Action Plan, also providing a “cheat sheet” of phrases to placate homeowners when they objected to the proposal. These documents appear to indicate that a few lobbyists have been given preferential treatment over that of the general community.

Any home on this “top picks” list should be very carefully scrutinised by all councillors and homeowners need the right of reply. Why should the view of a few lobbyists override due process?

You may be told there is a strong support for heritage, however, I challenge that view. Some members of the community use heritage to protection to prevent what they perceive to be “overdevelopment”.

A classic example of this is Service Street, Hampton.

Commendably the Council ran a voluntary heritage process which was successful in having a number of properties voluntary protected.

2. What homes should be heritage listed?

I ask each Councillor to carefully consider what properties should be heritage listed. What guidance was given to the independent consultant in relation to homes to be considered for heritage? The Productivity Commission’s report on heritage refers to “community benefit”.

When you apply the rationale of “community benefit” how many privately-owned homes meet this criteria? The design quality/aesthetic value of my home from the street is garages. It was not designed by a “significant” architect therefore what is the reason it has been considered for heritage listing?

Because it was written up in a 1970's magazine most probably in order to provide publicity for the previous owner who was a property developer. Or, even worse, the consultant has been swayed by the personal preferences of previous consultants, or a lobbyist. Councillor del Porto made a suggestion that the scope of the study was too broad, and only homes by "significant architects" be considered, but this suggestion was disregarded.

3. Lack of Proper Process

I ask each Councillor to consider the adequacy of the process. Is it fair that an independent consultant drive by a home (often nominated previously by a lobbyist) look at it for a few minutes, and then recommend it be listed for heritage? Clearly, this is not an adequate or fair process. Then the homeowner has to present their case for clarification?

I ask that each councillor ensure they are aware and further question the impact of lobby groups, the lack of guidance given to the independent consultant and the lack of proper process. Please know that every home you decide to list for heritage has someone from your community living in it, and the majority of homeowners reject this unfair process. I can state this with certainty as I have personally door-knocked and spoken to many MCM homeowners.

I will be contacting Councillors to discuss this important agenda item. I have further information obtained through Freedom of Information documents together with more recent documents outstanding with Council.

Mary Larsen

5. Mr Peter Corfield

Bayside City Council (BCC).

Ordinary Council Meeting, June 15, 2021.

Item 10.3 Mid-Century Modern (MCM) Heritage Study- Update.

Councillor's I would like BCC to consider the following suggestion in relation to the future decision making process.

In my opinion, and that of many in our community, the current system for considering the treatment of historic heritage places is 'broken'. It is completely inappropriate.

Upon completion of the MCM Heritage Study, please consider taking no further action in the short term until the inadequacies of the current 'Heritage Legislation' are resolved and rectified.

The Mayor in 2019/20, is on the record as saying the current Heritage Act is not "fit for purpose, it is out of date". This issue was debated in the BCC Chamber at length and culminated in the BCC writing to The Minister for Planning on September 9th 2020 (PSF/18/3460), requesting a review, in relation to the inadequacy's of the planning scheme amendment process and the financial support that could be provided to property owners affected by a Heritage Overlay. To date I don't believe BCC has received a reply, which I find abhorrent.

The Productivity Commission (PC) Inquiry Report of April 6 2006 entitled 'Conservation of Australia's Historic Heritage Places' recognises and acknowledges the inappropriateness. In considering the process as it applied to privately owned places the PC stated:

"The existing arrangements are often ineffective, inefficient & unfair. The system is not well structured to ensure that interventions only occur where there is likely to be a net community benefit". I urge the BCC to request that the Victorian Government revise and update the current Legislation to address the PC recommendations of 2006, yes that is correct 2006!

In recognition that the current system is inadequate and it's time for change, The Legislative Council of Victoria has initiated an Inquiry (October 2020), into the Planning System & Protection of Heritage. 'Review of the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework in relation to planning and heritage protection'.

I conclude by stating the obvious, "We need to improve the 'spirit of partnership' in this process".

Peter Corfield

Item 10.5
Hampton Community
Infrastructure Feasibility
and Masterplan

1. Dr Peter Betts

Dear Councillors,

Please find my written submission for **Item 10.5 HAMPTON COMMUNITY INFRA-STRUCTURE FEASIBILITY AND MASTERPLAN** tabled for Ordinary Council meeting on 15th June 2021.

This submission pertains to the proposed Multi-storey car park located between Thomas St and Service St.

There are several points of concern that I would wish to raise.

1. **MOTIVATION:** There is an emphasis on the opportunity to access government funding to partially pay for this carpark.

This should not be a reason to propose such a multi-storey car park, and given the 52% of the submission do not support this development then a better and more relevant justification apart from an opportunistic grab for funding.

2. **VALUE IN A POST-COVID19 SOCIETY:** One of the justifications of the development is to provide more carparking space for daily commuters who use Hampton train station, with *evidence cited from analysis between 2011-2016 and the 2016 Census, all analysis undertaken before the COVID19 Pandemic and may have no relevance to a post-COVID19 society.*

Public attitude towards using public transport has shifted, and societal work patterns with many people now having the opportunity to work from home. The upshot is there will be few people wanting to use the public transport system. Before any investment of council, state or federal government money, the analysis should be undertaken in a post-COVID19 society to assess if such investment is required as any assessments related to pre-COVID19 are irrelevant.

3. **PREFABRIACION OF THE BUILDING:** I have concerned about the machinations that the carpark will be a prefabrication building for the following reasons:

- a. In the council documents one of the reasons for this is to add value and minimise impact, which is justified. The main concern is the statement is that a prefabrication allows for a dismantling of the carpark in the future if the circumstances require. This is of major concern because *it suggests major uncertainty about if this car park is indeed appropriate or fit for purpose.* For these reasons and for the reasons highlighted in point 2 (above), there should an assessment of the value proposition and benefit for such investment.
- b. A prefabricated building will also spoil the “feel” of Hampton. We have seen this in some of the apartments. These so-called modern looks are dated quickly. Any design needs to be in the keeping of the suburb. This is imposed on builders of residential property and the council should be consistent. This proposal reeks of a poor understanding how this space should be used. I would much prefer clearer leadership and decision making about how these spaces are best to be used in the long term, rather

than hedging the decision, with proposing that the car park could be knocked down if not fit for purpose of the future.

4. **LOCAL TRAFFIC IMPACT AND SAFETY:** I am concerned that the entrance to the carpark is not presented and have major concerns if the entrance to the carpark was to come onto Thomas Street rather than Service street. I have raised this on two previous cases in the past (one that was not acknowledged or responded to, and the other where I received advice and is only in planning stage), and in both cases there has been no detailed response to my concerns and points raised can be summarised as:
- a. ***Pedestrian safety.*** I live opposite to the car park and am acutely aware of the foot traffic along Thomas Street. I have witnessed several near misses where cars exiting the car park have nearly hit pedestrian walking along the street.
 - b. ***Issues for residences opposite the car park.*** Residences exiting their driveways also have to address the additional issue of street traffic, high pedestrian traffic and cars exiting from the car park – which is also resulted in several near misses for myself and Neighbours. An exit onto Service St will avoid this as there is no residential properties opposite the proposed car park.
 - c. ***Increased traffic in residential areas:*** If cars were to exit onto Thomas St there would be additional traffic forced (under the current street configuration) into the residential parts of the suburb and away from Hampton street causing unnecessary local congestion. Thomas street is already narrow and difficult to navigate when there are cars parked in the street.

The proposal in front of council today does address any of these concerns, with the exception that it proposes a vague statement about traffic study. What are the terms of reference of this study? Will the traffic study consider and address all the concerns that I raise in points 4 and 5, and prior submission? Will there be an opportunity for local residents to help shape the terms of reference and/or respond to the findings of the traffic study before any decision for proceeding with the car park approval?

I would also like to understand if it is intended for the car park to have entry and/or exit boom gates, and/or payment mechanism, which will further slow traffic and create considerable congestion in already busy streets around the trains station.

Below is a photo taken at 230 pm on Sunday 13 June 2021. Showing the extent of the congestion (in the least busy time of the week) when the train boom gates are down. In this picture the traffic was banked back past Wills Street. I can only imagine how this will be further exacerbated during park peak time, if cars are waiting to enter and exit the car park. I expect this will need a full consideration in any study and needs to be in the terms of reference in any traffic study.



Figure 1. Traffic congestion in Hampton street on Sunday 13th June at approximately 2:30 pm. Traffic is banked back beyond Wills street. Please note the pedestrian traffic moving between cars in this congestion.

5. PROPOSED MODIFACATIONS TO THE INTERSECTION OF SERVICE AND HAMPTON STREET.

The prosed minor changes are woefully inadequate. Extending the “keep clear” area, improved pram ramps, and green pavement marking, and parking removal and shortening the bus stop, neither will improve anything nor provide safe access between the car park. This is actually negligent!

Under the current proposal the council is expecting pedestrians to cross Hampton Street to access the trains station when there are rare gaps in the traffic. For the peak period in the morning, when Public Transport and school traffic are at a maximum this seems absurd.

Given the likelihood of increased pedestrian traffic there:

- a. should be two pedestrian crossings on either side of the railway line
- b. or a footbridge that connects the car park with the train station.
- c. Have the exit from Service street on to Hampton Street as a left turn only to avoid unnecessary interaction between cars and pedestrians and to limit traffic congestion.

Neither of these options are presented.

If pedestrian crossings are considered this would make the traffic during peak period come to a complete stand still as School traffic would be forced to stop for the rail crossing and pedestrian crossings as well in a 100 metre stretch of road. This would likely force traffic into residential streets.

Two options to consider that could improve this is.

- a. close Thomas Street off to vehicle traffic between the carpark and the Hampton street and have this as a pedestrian area that extends across Hampton street – putting some separation between the rail crossing and any pedestrian cross. This also links the train station with the overpass.
 - b. Have a direct bridge that links the car park with the train station.
6. **CLIMATE EMERGENCY:** The statement that the building of any structure that requires resources has no effect on the climate emergency is misleading. Has there been any assessment of the carbon footprint on this project, which starts at the mining of the raw material, processing of the materials (steel, concrete etc), transport of the materials. How is the council proposing to offset this carbon footprint? If you are going to declare a climate emergency, then you genuinely need to understand what this actually means for the citizens of Bayside. This would pertain to the entire precinct. This is statement is even more concerning given the option to remove the prefabricated carpark in the future to create waste.
7. **TREES OF SIGNIFICANCE:** The past 20 years the council has been very consistent on imposing strict criteria related to the how developments of residential properties address the “Trees of significance”. In the present car park there are 23 trees that would be classified as significant. What is the arborist report on these trees? How many of these trees will remain after the development?

Finally, I note that following the deferral of the *master plan* for further consideration and consultation in DECEMBER 2020, the revised plan was adopted in FEB 2021, which included (a) development of guiding principles for, and maximising of new public open spaces in the Willis Street Precinct, (b) Exploration of commercial opportunities in the community hub, and (c) the development of the community and stakeholder plan for the community hub and the public open spaces.

The focus Library precinct get very little mention specifically, however, given the proposal to develop this site first as a priority to address parking problems as a result of the Willis Street development, why is there no specific work on any guiding principles for the development of the Library Precinct, particularly given the responsibility of the council to provide a safe community environment and the changing societal expectations after the COVID19 pandemic.

Yours sincerely,

A handwritten signature in blue ink that reads "Peter Betts". The signature is written in a cursive style with a large initial 'P'.

Professor Peter Betts
Monash University

2. Mr Tony Batt (on behalf of Hampton Neighbourhood Association)

Hampton Neighbourhood Association (HNA) strongly supports the proposed Hampton Masterplan and Community Hub and consider the recommendations should be adopted by Councillors.

HNA consider that the master plan will inject life back into the Hampton shopping strip and provide an urgently required upgrade to community facilities that are no longer fit for purpose.

We are also strongly supportive of the Willis Street Precinct – Open Space Guiding Principles report which would provide important areas for public green space.

We note that this is the final Masterplan and HNA looks forward to participating in stakeholder engagement and progress towards developing the concept design stage.

Tony Batt

President

Hampton Neighbourhood Association

Item 10.6
Sandringham & Black Rock
Streetscape Upgrades

1. Mr Graeme Holmes

Deferring The masterplan also means deferring the upgrade of the footpath. The Current footpath at Black Rock is Dangerous and is in need of Urgent attention to make it safe. Many people in Black rock village use walking aids and one day there will be a serious accident as a result of the footpath condition and lack of attention by the Council