

WRITTEN STATEMENTS
ORDINARY MEETING OF COUNCIL
16 March 2021

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Item 10.1
Expression of Interest and possible
Future Uses for Billilla Homestead

1. Mrs Jane Richardson

Billilla needs to be for the Community.

2. Ms Ellen Weir

I strongly support the recommendations in full, for Council to return Billilla to community use.

The professional advice to Council makes clear that the current school use is inappropriate, with evidence of ongoing damage to one of Bayside's most prized assets.

As a 'friend of Billilla', I fully support Council seizing the opportunity to lift the profile of Billilla, and return valuable open green space to residents.

I would welcome the opportunity to constructively participate in a community consultation process.

3. Mrs Esther Amott

I fully support the full set recommendations, for Council to return Billilla to community use.

This is to "return Billilla Homestead to direct control of Council in light of the recommendations in a historical buildings review report prepared by GJM Heritage."

4. Ms Avril Weir

As a long term resident of Brighton, I fully support the recommendations to return Billilla Homestead to direct control of Council.

The green open space of the gardens should be fully accessible to Bayside residents, and not under the control of a private school. As more residents move into the area, this will only become more important.

I implore Council to seize this opportunity.

5. Mr Matthew Weir

I fully support the recommendation to "return Billilla Homestead to direct control of Council in light of the recommendations in a historical buildings review report prepared by GJM Heritage."

The current use as a school is totally inappropriate, damaging the heritage fabric of the house, and restricting public use of the gardens.

As a long term Bayside resident and person who values the heritage assets of Melbourne, by opening the building for community access and use, Council is able to lift the profile of one of Bayside's most prized assets.

6. Ms Janine O'Neill

I wish the Billilla homestead to be used for community purposes and not private purposes.

I wish Billilla homestead to be open to the community regularly.

I wish Billilla's grounds to be preserved and available for community use.

7. Dr Edward Quine

I fully support the recommendation to return Billilla Homestead to direct control of Council for community use and access.

As someone who cares passionately about the historic assets of Bayside and of this city, I am excited about the future opportunity for this impressive historical site.

This is a truly unique spot, the likes of Como and Ripponlea, that deserves to be celebrated. An extraordinary stylistic example of Walter Butler's rare work!

8. Dr Jun Khoo

I strongly support the recommendations in full, for Council to return Billilla to community use for more open space.

As a physician, I am often concerned about the limited green open space, and its deleterious effects on opportunities for physical exercise.

The current private and exclusive use of the Billilla gardens is an impediment to local residents' use, and is inappropriate in my opinion.

I support a return of Billilla to council, to create more accessible green open space for the physical and mental health benefits of Bayside residents.

9. Ms Kate Harman

Independent assessment by GJM notes the current use of Billilla is not appropriate for a building with significant heritage values in tact. Officer recommendation is NOT TO PROCEED WITH EOI. Option 2 should be adopted. I have a long association with the site as a former Mayor and Councillor of Brighton and a member of the Billilla committee of management member. This site was purchased for cultural and recreational use and should be maintained as such. Passive uses of the building and reinstatement to its previous high standard should be undertaken. With the grounds to be used as parklands. The current state of inaccessibility and poor repair as shown in photos is very concerning, This is a public asset that had its considerable fittings intact from the Art Nouveau era. It is of significance at a local and state level. As more old buildings are lost its significance is becoming a greater window onto our past. At the time of council amalgamation the building was in excellent repair. It was previously recognised that the delicate surfaces were not suitable for use as a robust commercial property. Light fittings, door furniture and wall sconces were in place, these appear to be missing. The wall paper is able to be recreated but at cost. Repairs for water damage and leakage need to be attended to urgently. The recommendation of a new management strategy and maintenance plan is to be recommended. The current use is most inappropriate.

10. Mr Brenton Evans

I feel the future use of Billilla should be more community based so various sectors of the community can share in the magnificence of this site. This could entail arts groups, education groups or any other community groups needing short term use of the facilities that Billilla has to offer. It will be a pity if Billilla is not opened up to use by the broader community as it has so much to offer.

11. Ms Diane Pickering

Regarding the future of Billilla Homestead I would like to see the property be a community area for all to have the opportunity to visit and enjoy its beautiful surrounds.

It is important that areas like this one are open and available for anyone to visit and socialise.

This was relevant during the recent pandemic where people were able to socialise in the beautiful gardens whilst adhering to the social distancing rules. It was a place of well-being for many residents.

The financial upkeep could be funded by allowing artists/cultural/wellbeing peers to work and/or display/exhibit/workshop which will attract visitors from current and outlying areas.

It would be a disgrace if the use of Billilla Homestead was to be taken over by a private entity.

Melbourne would again lose another of its historic homesteads where the general public currently have free access.

Please let it remain as is for all to enjoy.

12. Mr Andrew Low

15 March 2021

By E-mail

Marine Nincevic
Partner
Maddocks

marine.nincevic@maddocks.com.au

Your Ref

File No. 011908857

Contact

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Partner

John Mengolian
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Dear Marine

Extension of Lease – Part of 26 Halifax Street, Brighton VIC 3186 (Premises)

- 1 We continue to act for Yesodei HaTorah College Inc (**College**), the tenant of the Premises.
- 2 We refer to the deed of variation provided to you under cover of email on 4 March 2021.

Further Offer

- 3 Our client has reviewed the recommendations made in item 10 of the meeting agenda for 16 March 2021 Bayside City Council (**Council**) meeting (**Agenda**)
- 4 Relevantly, the recommendation of the Council officer at page 27 of the Agenda is that the Councillors resolve to authorise the Director of Corporate Services (**Director**) to:
 - (a) grant an extension of the existing term under the lease from 8 September 2021 to 31 December 2021; and
 - (b) decline the request for a further option of 1 year,as set out in the deed of variation provided to you by Andrew Low of our office on 4 March 2021.
- 5 As Council knows, the Premises are a vital part of the College's operations because it is used to house its Year 7 to Year 12 students. While the College's intention in the past had been to secure a long term lease at the Premises for several years, it

acknowledges that due to recent events, it will not be in the interests of the parties for the College to remain at the Premises in the long term.

- 6 Accordingly, all that the College now seeks is the security of a short option period so that the College can arrange for the orderly transition of its operation away from the Premises and avoid the risk of losing significant numbers of student enrolments that would put the viability of its existence at threat.
- 7 On behalf of the College, we are instructed to request that (in addition to extending the current Term of the Lease to 31 December 2021) the Director be authorised to grant the College an option for the Lease for the period between 1 January 2022 and 30 August 2022 (**Option Term**) with all other terms to remain the same as set out in the version of the deed of variation provided to you on 4 March 2021.
- 8 This means that the rent payable during the Option Term will be pro-rata of \$145,000 plus GST per annum.
- 9 This proposal, if accepted, will achieve an outcome that is beneficial for both parties as:
- (a) if the College exercises the option, then:
 - (i) the Option Term sought in this request is shorter than what was previously sought by the College;
 - (ii) the rent amount offered is at a significant premium to what Council could be expected to receive for the Premises;
 - (iii) Council will be able to offset a significant part of the \$300,000 capital works identified in the officer's report against the generous rental income from the College's lease;
 - (b) if the College does not exercise the Option then Council will be able to proceed with its own plans for the Premises as soon as 1 January 2022; and
 - (c) it simplifies the administrative procedures for the grant of a lease for the Option Term.

Alternate Motion

- 10 Accordingly, we also request that the Councillors consider and pass an alternative motion to the Council officer's recommendation as amended below:

Recommendation

That Council:

Resolves not to proceed with an Expression of Interest for the Billilla Homestead and authorises the Director of Corporate Services to:

- 1. extend the lease with Yesodei Ha Torah until 31 December 2021*
- 2. obtain full vacant possession of the Billilla Homestead as soon as is feasible after the Yesodei Ha Torah lease has come to an end*

3. *grant Yesodei Ha Torah's request for a further option for the period between 1 January 2022 to 30 August 2022 at a pro rata rent of \$145,000 plus GST per annum ~~decline the tenant's request for a further option of 1 year.~~*
4. *prepare a report for the October 2021 Council meeting addressing the circumstances whereby Council takes back control of the Billilla house and provide Council with:*
 - *a Community Engagement plan to commence when vacant possession of the Billilla Homestead has been obtained*
 - *a summary of the various possible models for the day to day management of the Billilla Homestead and the viability of possible uses by Council, Community and Commercial entities*
 - *a proposal to update the Conservation Management Plan and for a detailed assessment of all works required to maintain the structural integrity of the Billilla estate buildings*
5. *allocate a sum of \$300, 000 as part of the 2021–22 Budget process to undertake a conservation management plan and associated works.*

11 A copy of this letter will be forwarded as a submission to Council's meeting on 16 March 2021 and will be provided to Mr Newton Gatoff by our client.

12 The College reserves all of its rights.

Yours sincerely

Arnold Bloch Leibler



p.p.

John Mengolian

Partner

13. Mrs Debbie Gutteridge

I wish that the Billilia Mansion and grounds remains a place to gather for the community and arts facility. Please don't take any more public grounds away from the community and make it into a commercial proposition.

14. Mrs Helen O'Neill

I want to support the community use of the Billilla Mansion and grounds as a community hub and arts centre

15. Ms Alison Joseph

10.1 EXPRESSION OF INTEREST AND POSSIBLE FUTURE USES FOR BILLILLA HOMESTEAD

Council's treatment of the Yesodei Ha Torah College (YHT) in refusing to consider an extension to its lease in 2019, was totally appalling, discriminatory, and stood in stark contrast to the way in which every other tenant has been treated by Council. In no other case, has the Council decided to enter into an EOI even when it was highly appropriate to do so (eg 2B North Rd. and Ricketts Point). There has been no explanation for why YHT has been treated differently. The Council's behaviour is disgraceful, and anything but inclusive.

The motivation for this decision was claimed to be that the Council had a complaint about the school's use of security guards. There was no fair or open process. The Council is not recommending the removal of the Star of the Sea School from Kamesburgh House and is more than happy to demolish the North Brighton Life Saving building (designed by Justus Jorgensen) for the sole benefit of that building's tenant. In no other case has the Council show any interest in heritage.

It is also apparent, via documents obtained under FOII, that Council officers have been entering into agreements for the lease of Council property prior to any consultation on proposals occurring. It therefore begs the question as to whether there has already been an approach to Council Officers for an alternative use of the building, and whether the entire process to date has been for the purpose of substituting some other use for the current use by the School.

The best option for the building is the YHT school, which both provides a suitable commercial rate of rent that can be applied to the restoration of the building, and a high level of security that prevents vandalism and graffiti. The problem is that Council does not apply the rental income to the upkeep of the building (as it is required to do).

It is also apparent that Council deliberately causes buildings to fall into disrepair or fails to enforce conditions in leases that require the tenants to repair. The poor state of a building is then used as an excuse to enter into agreements that are highly favourable to third parties (eg the demolition and rebuild for the benefit of a tenant). The water damage that has occurred to Billilla is likely to be the result of Council's failure, and not that of the tenant.

I am therefore extremely suspicious of Council officers' motivation in this matter. Can the Council please advise whether it has had any discussions or entered into any agreements with third parties, concerning the potential leasing of Billilla as a private hotel, function centre, restaurant or other commercial use?

What is the true motivation behind Council attempts to remove YHT from the building?

The School should not be blamed for the Council's neglect of the building. The School should not be discriminated against for having to have security guards. The area of dead grass close to the building (for which the school was blamed) is the site of the swimming pool (filled in by Council).

Every other use of the building has proved not to be financially viable. The YHT lease is the best financial option for the Council. The Council Officer recommendations appear highly discriminatory in not supporting the requested extension to the lease and does not constitute responsible financial management.

The Council should renew the YHT lease for as long as the school requires. Why not a 21-year lease, as is proposed for 2b North Road and Ricketts Point?

Can someone also please explain the current location of the valuable antique teapot collection that use to be housed in Billilla? While there were many valuable teapots, there was one exceptionally valuable Chinese teapot in the collection.

Item 10.3
Amendment 165bays
- 5 & 7 Well Street, Brighton

1. Mr Maneesh Shah

Well Street Brighton is experiencing a significant growth in the development of apartments. Many of these owners will park on the street 24 hours a day utilizing Council Parking Permits.

The number one complaint of people visiting Church Street to do shopping and business is lack of parking. So we strongly object to any Council decision, to create a 'Temporary or Permanent Park - Open Space' on this property.

2. Mrs Leasa Cahill

As a trader of 8 years in the strip it is essential that we develop more parking not take it away.

Restricted hourly parking is already is a deterrent for people not hang around and shop.

Well Street Brighton is experiencing a significant growth in the development of apartments. Many of these owners will park on the street 24 hours a day utilizing Council Parking Permits.

The number one complaint of people visiting Church Street to do shopping and business is lack of parking. So we strongly object to any Council decision, to create a 'Temporary or Permanent Park - Open Space' on this property.

3. Mr Miralem Basic

Dear Mayor and Councillors

My name is Miralem Basic on behalf of the 324 Brighton local residents who sign the petition to object for proposed Carpark number 7 Well st Brighton.

We would like to request that you move an alternative motion to use and develop number 7 Well st Brighton as open space with a children playground

. We believe that lager community would benefits more from public open space, with a children playground Proposed Carpark will have no measurable benefit to the Chuch st shopping street considering that only limited number of carspots can be build .

I also like to confirm that exsisting Carpark below the Dendy plaza has 112 carspots is currently under utilized

The rezoning of 7 Well st Brighton is contrary to state and local policy which seek to promote behaviour shifts away from car use and encourage sustainable transport options.

Proposed Carpark is detrimental to the amenity of our residential street as it will increase traffic congestion, safety to pedestrian and residents, pollution and noise.

Bayside open space strategy has flagged the shortfall in open space around Church street and with the increase of residential living young families moving in the area it is my opinion and the opinion of other rate players that number 7Well st Brighton is better utilized for social benefit of the community in the form of a public open space with children playground.

I would appreciate your support in stopping the ongoing erosion of our residential amenity.

Yours sincerely

Miralem Basic

4. Mrs Julie Avery

Well Street Brighton is experiencing a significant growth in the development of apartments. Many of these owners will park on the street 24 hours a day utilizing Council Parking Permits.

The number one complaint of people visiting Church Street to do shopping and business is lack of parking. So we strongly object to any Council decision, to create a 'Temporary or Permanent Park - Open Space' on this property.

5. Mr Graeme Goode

Mayor, Deputy Mayor and Councillors,

I urge your consideration of alternative viewpoints to that placed before you by Council officers. This matter was well examined in 2019 and 2020 including through a Planning Panel appointed at Council's request- indeed at the February 2019 Council meeting the request to the Minister for the appointment of the Panel was said to be the best approach "let's resolve it once and for all". It appears now that the process is completed with the Minister disallowing C165 (and the Panel recommending that C165 be abandoned) that Council officers will not accept the umpires decision and are putting to Council to rip up all the work that went into that process and start again!

Councillors in examining this matter should always begin with the overarching declaration made at its October 2019 meeting of a Climate Emergency. I highlight that in the Executive Summary and Key Issues paper for this Agenda item there is no reference to this and only when you look further and read the notes on Considerations and Implications do you find any discussion of the environmental impact of the extension of the car park to 7 Well St and even then Officers are dismissive of any impact.

I draw to Councillors attention the considerable densification that is occurring on Well St. I demonstrated this by listing all Well St addresses between New St and Halifax St as at January this year- that listing has been previously supplied to Councillors. It shows that of the 216 residences in this stretch , either existing or under construction or active marketing, 125 of these will have been built in the 10 years to 2025.

This burgeoning population is a major increase to Council's revenue. Similar densification is occurring in other streets around the Church St MAC eg Black, Lindsay, Carpenter and Male Sts. All of this densification is substantially reducing garden greenery and this is the clear opportunity for the future use of 7 Well St. A well designed community park would respond to previous petitions lodged and strong community requests and be in line with urgings from the Victorian Planning and Environment Ministers. It would also be a practical implementation of Council's Declaration of Climate Emergency as well as responding to the Bayside Open Space Strategy 2012 which pointed to the paucity of open spaces around Bayside MACs. A community park at 7 Well St alongside of Bayside's preeminent MAC would be a noteworthy positive statement by Bayside.

The original purpose of purchasing 7 Well St in 2005 is quite irrelevant to a decision in 2021. Circumstances in the Church St MAC and immediate surrounds have changed substantially since 2005. The number of residents within walking distance of the MAC has greatly increased so that car parking should not be the primary focus of Council's considerations.

In the briefing paper mention is made of initial data from the recently installed in-ground sensors showing some overstaying at 5 Well St However no data from those sensors has been given on the utilisation of the 5 Well St car park. Far more significant would be data on the utilisation of the adjacent underground car park of infinitely greater capacity. Observations have been for this to have been lightly utilised in 2020/2021- even this last Saturday March 13 at 12 noon, surely peak time, this underground car park was at best half full.

Councillors I urge you to make a positive use of 7 Well St as a community park. Do not leave the decision to follow even more enquiries and reports. Councillors please do your job and make a decision to increase our greenery and open space in Bayside and help to address climate change.

Finally I would welcome the opportunity to discuss this matter with you prior to your meeting on March 16.

Further to my earlier submission, I wish to elaborate on some aspects of car parking capacity around the Dendy complex of the Church St MAC.

Church St Traders are citing that the higher relative utilisation of the 5 Well St car park as evidence of the need for 7 Well St to be added to it. This is not so and purely reflects relative free maximum free parking stays, which are as follows:

- Church St kerb parking 1 hr
- Underground carpark 1.5 hr
- 5 Well St 2 hr (Mon to Sat, Sun unlimited)

Natural laws of gravity will lead to 5 Well St being the preferred location.

Any discussion on parking around the Dendy complex should mainly focus on data on the large 119 capacity of the underground car park, some 5 times that of 5 Well St. Since no recent data is available on the underground car park we can only be guided by casual observations which are for quite low even at peak times (11 am to 4 pm weekdays and weekends).

Councillors, there is a clear need for additional open space and greenery at the Church St MAC whereas any need for additional parking can be better met by improved utilisation of existing car parking capacity eg rear of 39 Church St.

6. Mr Keiran Cromie (on behalf of Church Street Traders Association)

To: Bayside Councillors (without a Conflict of Interest)

Crs: Evans (Mayor), Castelli, (Deputy Mayor), Martin, Stitfold, Samuel-King

Re: Council Ordinary Meeting – 16th March, 2021
Item 10.3 - Amendment 165BAYS - 5 & 7 Well St, Brighton

In terms of Item 10.3, we are deeply concerned that the recommendations for the item will be altered at the actual Ordinary Meeting of Council. We totally oppose any change to the motion that would create a 'Temporary Park - Open Space' on the land.

Converting a **Temporary** Park - Open Space into a Car Park after the strategic work is completed would be impossible. No Ratepayer would allow that to happen.

The officers have recommended a perfectly logical process which should not be significantly altered to include 'Temporary' uses for the land.

And I would remind Councillors that there is already a Park/Playground situated less than 400 metres from Church Street in Burrows Street. See below.



Best Regards

Keiran Cromie
President

7. Mr Julian Kardis

Dear Mayor and Councillors.

The proposed amendment 165BAYS - 5 & 7 WELL STREET, BRIGHTON has been before the council in 2019 and 2020. We are now in 2021 and it has become very evident that the submissions and outcomes of the previous years are not in accord to the council's view. Why does the council have such disregard to the findings passed down from the planning panel also from the Minister for Planning office?

Community and bayside city council officers sat for 2 days at the council chambers with the planning panel and planning and traffic experts. Council and community presented their case to the planning panel on the use of the land at 7 Well Street and a decision was made. This meeting was required due to the two previous meetings with community and council were not able to achieve an agreement and this meeting was expected to deliver the final decision once and for all.

The decision of the Minister has obviously been snubbed by the council ridiculing the whole process of inviting members of the community to voice their opinion. The process of involving the community is to ensure that the community's best needs are met with consultation. Consultation has been done, experts have been called upon and recommendations have been made. On this occasion it has not gone the council's way. Fortunately for the residents we do not live in a dictatorial society and our voice must be heard.

Over the past two years Well Street along with adjoining streets have had exponential growth in apartments being constructed. Residential blocks that use to house one family now accommodate multiple families and each individual residing in these new apartments are living in closer proximity to each other. As the area is becoming more densely populated the last thing our "Village" requires is more tar for cars to sit on. We need open space for the community use. This is in line with the council's declaration of Climate Emergency along with its open space strategy. The executive summary provided states that the recently installed vehicle detection sensors at 5 Well street indicate "that the car park was increasingly busy". As these sensors are only new, how can this data be correlated to other data collect in a different manner from previous periods. Why has the vehicle patronage of the more significant car park situated under the Dendy complex not been referenced? 5 Well Street will always be full as it is the path of least resistance to the shops. Irrespective of how many car parks are provided on grad they will always be the first to be used.

I ask the councillors to maintain and improve our Brighton Village atmosphere by using 7 Well Street to increase our green footprint. It will be patronised by the many new residents that our great street has attracted. I along with my neighbours are proud of our street and we wish it to be the best in Bayside. We need you to help us achieve this.

Julian Kardis

8. Mr Greg Smith

Objection to Item 10.3 amendment 165 Bays 5&7 Wells street Brighton

I oppose , and therefore object, to the implementation of Council's preferred Option 1 for the following reasons.

Firstly, and most importantly, the veracity of the Council and Officer's gambit has been tested right from the base to the apex of the legal system and has been found wanting , and denied.

Secondly, the objective of re-zoning to provide yet more car parks is directly against Council's own stated position of carbon reduction, reduction of fossil fuel use and increased greening as set out in their various documented positions.

Viz: Bayside Planning Scheme

The Integrated Transport Strategy

Bayside Open Space Policy

Bayside Climate Emergency Action Plan

And Bayside 2050 Vision

Finally, this is not a "needed "outcome for Council and it's Officers , but a "wanted" outcome to justify the wasted costs of their previous endeavours and to reduce the likelihood of invoking the wrath of the residents and ratepayers as to their wantonness.

There is , yet again , a unique opportunity here for the greening of our City ,not the increasingly voracious asphaltting of every open space to the advantage of a few.

The attempt here to circumvent the justice which has already been served by the relevant authorities , by creating a new strategy ,just to appease the wants of Council and its Officers does nothing to endear Council , or its Officers and Servants to the residents and ratepayers who have objected to this move in the past , following all correct procedures, and who were confident that the the legal process had been followed ,completed and would be implemented as stated in the final appeal decision.

To proceed with Option 1 is to generate an absolute travesty of clearly delivered justice.

9. Mrs Elizabeth Neal

Mayor & Councillors,

Council has provided the ratepayers with another opportunity to make suggestions as to the future of 7 Well St. We believe that council should develop this site as a passive green site for the enjoyment and benefit of all. This matter has been the subject of much debate & controversy & it is now time for action. Please seriously consider this proposal.

10. Mr Jason Belzycki

Well Street Brighton is experiencing a significant growth in the development of apartments. Many of these owners will park on the street 24 hours a day utilizing Council Parking Permits. The number one complaint of people visiting Church Street to do shopping and business is lack of parking. So we strongly object to any Council decision, to create a 'Temporary or Permanent Park - Open Space' on this property.

11. Mr Steve Hitchings

Well Street Brighton is experiencing a significant growth in the development of multi storey apartments. Many of these owners will park on the street 24 hours a day utilizing Council Parking Permits.

The number one complaint of people visiting Church Street to do shopping and business is lack of parking. So I strongly object to any Council decision to create a 'Temporary or Permanent Park - Open Space' on this property.

I frequently use the Well St Car park and it is always at or near capacity. The empty block of land adjacent to it has sat there for far too long and should be harnessed to expand the car park capacity. I don't think it is an appropriate place for a small park, when both St Andrews grounds and Burrows St playground are so nearby.

Whilst the Council is doing so, it should check the reliability and accuracy of the recently-installed electronic counter at the Well St (Dendy Plaza) which advises drivers of how many empty parks are available. The electronic display is often inaccurate which renders it useless. For example, it will state 3 free spaces, yet when you enter, with no other cars waiting, there are no free spaces. It looks like an expensive traffic counter and should be accurate.

12. Mrs Joan Charbonnier

Hi,

I am a business owner in Church street and the number one complaint I get from my customers that come to my visit Church Street to do shopping and banking is the lack of parking. Well Street Brighton is experiencing a significant growth in the development of apartments. Many of these owners will park on the street 24 hours a day utilizing Council Parking Permits.

So I strongly object to any Council decision, to create a 'Temporary or Permanent Park - Open Space' on this property.

Kind regards,

Joan Charbonnier

13. Mr Garry Holloway

Well Street Brighton is experiencing significant growth in the development of apartments. Many of these owners will park on the street 24 hours a day utilizing Council Parking Permits.

The number one complaint of people visiting Church Street to do shopping and business is lack of parking. Therefore, I strongly object to any Council decision, to create a 'Temporary or Permanent Park - Open Space' on this property.

14. Ms Judith Schilling

Wittner have been a retail business in Brighton for over 5 years and during the period of our lease we are constantly advised by our customers that they would be happy to make the Brighton store their most frequented store if they could rely on being able to park with confidence. Unfortunately, our local customers will travel to other stores within the vicinity as it is too often difficult to park. We strongly object to any council decision to remove access to carparking and create a Temporary Permanent Park- Open space on this property.

15. Mr Kerry Quinn

The number one complaint of people visiting Church Street to do shopping and business is lack of parking. So we strongly object to any Council decision, to create a 'Temporary or Permanent Park - Open Space' on this property. There are very accessible parks nearby. COVID has significantly affected businesses in Church St in a negative way and this decision by council could see these businesses close. Based on recent works council does care about the traders and their customers so hopefully common sense will prevail.

16. Mr David Stewart

I would like to address the issue of car parking in and around Wells St - St Andrews Street & Church Streets. I have owned a business premises (and operate from there) for nearly 20 years - in that time traffic has significantly increased along with the number of high density developments - which simply means more people - more traffic. My staff and customers are finding it harder and harder to secure, find short terms and longer term (all day) parking. Any reduction of car parking spaces will further impact this issue.

I would like to urge consideration for a long term car parking and traffic management plan for the area, that can be developed in line with current and future livability needs of the community. This will require some transparent engagement, and in the short-term no decisions to lessen car parking in the immediate vicinity.

To be specific, can the Council please ensure that for the near term, the parking remain in place at 5-7 Well street Brighton.

I understand this is big issue for all shopping precincts in Bayside - especially as population density grows - so putting in place a future plan that addresses this issue should be a key strategy for the next 5 years and beyond.

Regards

David Stewart

17. Mr Pat Troy

Well Street Brighton is experiencing a significant growth in the development of apartments. Many of these owners will park on the street 24 hours a day utilizing Council Parking Permits.

As a trader I listen to my customers every day.

The number one complaint of people visiting Church Street to do shopping and business is lack of parking. So we strongly object to any Council decision, to create a 'Temporary or Permanent Park - Open Space' on this property.

18. Mrs Susan Becker

Well Street Brighton is experiencing a significant growth in the development of apartments. Many of these owners will park on the street 24 hours a day utilizing Council Parking Permits.

The number one complaint of people visiting Church Street to do shopping and business is lack of parking. So we strongly object to any Council decision, to create a 'Temporary or Permanent Park - Open Space' on this property.

19. Miss Kate Becker

Well Street Brighton is experiencing a significant growth in the development of apartments. Many of these owners will park on the street 24 hours a day utilizing Council Parking Permits.

The number one complaint of people visiting Church Street to do shopping and business is lack of parking. So we strongly object to any Council decision, to create a 'Temporary or Permanent Park - Open Space' on this property.

20. Mrs Jan Reeves

My partner Ken Dunstan and myself are concerned at the proposed zoning change of 5-7 Well St Brighton from residential to car parking. In our opinion there is sufficient parking available, especially in the underground car park below the Coles shopping- centre building, which often has many unused car spaces. The existing car park at 5 Well St is acceptable and sufficient for the area. Our opinion of 7 Well St is that it should be made into an open space Park and playground as there are none of these facilities in this area. Ideally the park would be better with 5 and 7 Well St being used, however, the existing car park at No 5 could be seen as being necessary to maintain. It would be totally unacceptable to local residents if it was decided to erect a multi level car park.

21. Ms Amanda Levi (on behalf of Bayside Dog Alliance)

Mayor, Councillors and CEO,

RE; Item 10.3 AMENDMENT 165BAYS - 5 & 7 WELL STREET, BRIGHTON

The Bayside Dog Alliance (BDA) and its members object to the proposal for a carpark at 7 Wells Street Brighton.

Further, the BDA requests this agenda item be amended to reflect the land be utilised for a 'Sensory Pocket Park' with a Dog off leash status.

- The block of land at 7 Well St presents a unique opportunity to create additional open space in a Major Activity Centre in the form of a pocket-park.
Council's Open Space Policy 2012 states: *"Urban heat island effect is an important environmental consideration, particularly in the suburb of Brighton. It is important that provision of open space in the Major Activity Centre areas is sufficient. The planting of large canopies in open space will help mitigate this effect."*
- Using this land for additional public car parking spaces in Well St, encourages more car use and conflicts with the following Council strategies, policies and plans;
 - The Bayside Planning Scheme
 - The Integrated Transport Strategy
 - Bayside Open Space Policy
 - Bayside Climate Emergency Action Plan
 - Bayside 2050 Vision
- Council feedback to the BDA has always stated a lack of open space as the reason for not providing additional off leash space for the training and exercise of dogs.
- A pocket park in an area designated by BCC as being deficient in open space per capita (refer map below) aligns with all the Council strategies as listed above.
 - This is an ideal space for a sensory park for both pets and people. (refer to this link <https://fb.watch/4eD0KySg7v/>)
 - A well planned multi-use space in a high density area with a population above the average age also aligns with local needs as expressed in May 2019 who presented a petition of 325 signatures objecting to the new car park, asking Council to use the land for open space and a children's playground.

In Summary;

- On 21 July 2020, the delegate of the Minister for Planning wrote to Council to advise that the Department of Environment, Land, Water and Planning (DELWP) had refused the planning scheme amendment to provide for the extension of the car park;

- Local residents object to the extension of the car park;
- Utilising this land for further car parking contradicts all of Bayside’s strategic policies;
- There is insufficient public open space in the area of 7 Wells St Brighton;
- There is a lack of secure off leash space for the purpose of training and exercising dogs in general in Bayside;
- Bayside does not have a public Sensory park open to both people and pets alike.
- The Vic Gov Local Parks is funding areas for Pocket Parks and Dog off leash areas.
<https://www.environment.vic.gov.au/suburban-parks/creating-new-parkland-across-victoria/local-parks>

The BDA requests Councillors refuse the proposal for the extension of parking facilities at 7 Wells Rd and support the Community request for open space.

Links;

Pet Sensory Park - <https://fb.watch/4eD0KySg7v/>

Case Study – Pocket Park https://www.victoriawalks.org.au/pocket_parks/

Local parks Investing in green space for local communities -
<https://www.environment.vic.gov.au/suburban-parks/creating-new-parkland-across-victoria/local-parks>

Map 1 - Deficiencies in open space in Bayside



Off leash Elderly Dog area



Time Out area Collingwood



Pocket Park - France





22. Mr Nicholas Zampelis

Well street Brighton is experiencing a significant growth in the development of apartments. Many of these owners will park on the street 24 hours a day utilising council parking permits . The number one complaint of people visiting church st to do shopping and business is lack of parking . So we strongly object the council decision to create a temporary or permanent car park “ open space “ on the property

23. Ms Sharon Vaughan

Due to an increased number of apartments being constructed on Well Street (and the surrounds) there is currently and will continue to be a significant increase in the demand for parking. 'Workers' and customers/clients lament regarding the lack of available parking. Along with other local residents and business owners, I wish to object to any Council decision to create a Temporary or Permanent Park - Open Space' on this property.

24. Mr Howard Grant

I note that the Council Staff are still pursuing the matter of a car park at 7 Well Street Brighton. This strikes me as quite incredible and indeed arrogant as it completely ignores:

- 1.The rate payers objections to rezoning any land in Well Street which is now clearly being developed as an apartment area.
2. The Panel rejection of the proposal noting that it should never have proceeded to this stage.
3. The Ministers rejection of the proposal.

It seems that the message just doesn't sink in and that the staff have limitless time and money to waste on issues like this.

I further object to Councillor Hanna El Mouallem being unable represent his Ward and rate payers in this matter on the grounds of conflict of interest. Knowing him as I do I can say with confidence that he will behave honourably in all matters. In this particular case he has consistently spoken for his constituents despite being a Church Street Trader who may be expected to benefit from additional parking.

The Council should direct the staff to drop this matter and proceed with a park or sell the land for residential development without further delay.

Howard Grant

25. Mr Tim Scully

I support the recommendation to defer considering the future of the site at 7 Well Street until the completion of the Parking Study.

The recommendation is validated and justified by the comment in this item that; " Given the initial data from pods installed at 5 Well Street indicates that further work may establish strategic justification for parking at 7 Well Street.

Deferring will provide an opportunity for facts based decision making.

26. Ms Stavroula Psonis

Objection: Ordinary Council Meeting Tuesday 16th March

Agenda item no: 10.3 AMENDMENT 165BAYS 5 & 7 WELL STREET, BRIGHTON

Dear Bayside City Councillors and Mayor,

I object to Option 1 proposed by Council officers which is to: *"1. undertake the strategic work necessary to support a car park at this location"*.

Reasons for objection

1. Proposed solution is not sustainable

The proposed option put forward by Council officers is contrary to the Bayside Integrated Transport Strategy which states that "Providing additional capacity through more road space and parking is not a sustainable solution".

Given Bayside City Council has declared a Climate Emergency, the creation of a new, at-grade asphalt car park is completely inappropriate from an environmental perspective as it will add to the urban heat island effect and encourage more use of private cars in and around the Church St, Brighton precinct.

Additional public car parking will draw even more cars into Church Street which is already congested due to commercial traffic and increased population density in recent years due to the development of several multiple apartment complexes on Well St, Brighton.

2. Option 1 is in conflict with existing Council strategies, plans and policies

Bayside City Council's proposal to use this vacant land for additional public car parking spaces in Well St, Brighton encourages more car use and conflicts with the following Council strategies, policies and plans:

- The Bayside Planning Scheme
- The Integrated Transport Strategy
- Bayside Open Space Policy 2021
- Bayside Climate Emergency Action Plan
- Bayside 2050 Vision.

Council officers continue to bring proposals which directly conflict with existing strategies and policies, particularly Council's Open Space Policy 2012. As previously stated, preserving our precious open spaces in the Bleazby, Dendy and Castlefield Wards has particularly resonated with ratepayers and residents at the recent Council elections. Councillors and Council officers should listen to the voices of the community to ensure a balanced approach is taken and existing policies are actively implemented.

3. Alternative solutions have not been considered

Rather than introducing a solution which directly conflicts with Council policies, Bayside City Council could easily improve car parking availability at this section of Well Street by changing the current 2-hour parking spots to 1 hour or 90 minutes and improving enforcement.

Bayside City Council is presented with a unique opportunity to recreate the vacant block of land at 7 Well St, Brighton as a pocket-park, therefore providing an additional open space in a Major Activity Centre. Bayside Council's Open Space Policy 2012 categorically states: *"Urban heat island effect is an important environmental consideration, particularly in the suburb of Brighton. It is important that provision of open space in the Major Activity Centre areas is sufficient. The planting of large canopies in open space will help mitigate this effect."*

Stavroula Psonis

27. Mrs Denise Kinnon

The site at 7 Well St, Brighton should either be assessed for sale, or for the use of public open space. Given the costs already incurred and the resultant outcome to-date, pursuing a carpark on this land is a poor financial strategy. I believe the most appropriate course of action is to consider a possible sale of the site, where proceeds could be used to increase existing parking facilities where the zoning and location is already appropriate. This would surely get more "bang" for ratepayers "buck" than pursuing the site at 7 Well St, which is not appropriately zoned, nor supported by local resident ratepayers, and even if successful would provide a very paltry increase to overall parking in the area.

28. Mr Joshua Goldstat

I am a Brighton resident who, together with my young family, frequent the Church St precinct mainly for grocery shopping and cafe visits. I love the amenities, the feel of the area and ease at which I can get around.

However, I absolutely OBJECT in this case proposed by Council officers to “ undertake the strategic work necessary to support a car park at this location”...

I understand the suitability of this site should be strongly considered to be used as public open space. With an ageing local community, as well as the influx of young families in the immediate area, this site will be far better suited to accommodate the local community’s needs, rather than the case proposed by council officers.

I understand there needs to be a proper feasibility assessment, and as such I propose the council spends the community’s money, on servicing the needs and requirements of the local community.

Thank - you for your time,
Joshua Goldstat

29. Mr John Kardis

Please find my response to Cr Martin of our email trail below an objection to the recommendations of officers on page 73 of the ordinary council meeting 16 March 2021.

Thank You for your reply Cr Martin

I respectfully disagree with your perspective on this matter and have included below extracts from the Panel report that repudiates your opinion.

If you are genuine in your advocacy for more strategic planning to ensure MAC's become the most livable high-density communities in Victoria than you have to pay attention to State and Bayside Strategies including but not limited to:

Bayside Integrated Transport Strategy 2018-2028 (ITS)

Bayside Open Space strategy 2012

Bayside Open Space Strategy: Suburb Analysis and Action Plan 2012

Environmental Sustainability Framework 2016-2025

Environmental Sustainability Framework Action Plan 2019-23

Bayside Housing Strategy 2012

Bayside Bicycle Strategy 2013

Bayside Walking Strategy 2015

Climate Emergency Action Plan 2020-2025

It is worth noting that in December 2019, the Bayside City Council declared Climate Emergency. We are on a new trajectory in Bayside and if you think more Asphalt at-grade parking is part of our future than you are only convincing yourself and the handful of traders in Church St. It is worth keeping in mind that the Council has issued 100's of car parking dispensations, even removed parking from Church St so some of these traders can expand their premises and alfresco dining areas.

I urge you to examine the following extracts from the Panel report and consider if this Council goal is to ignite this fight again or to respect the umpire's decision and reach a conclusion that aligns with Council own strategies and aspirations. The recommendation in the report flies in the face of Council and State policies, the most specific being Bayside City Council Climate Emergency Action Plan and the Transport Integration Act 2010.

Lastly, I conclude by advising you to consider the Victorian Planning Provisions (VPP) before embarking on expanding further resources and expenditure on this matter. It is the ratepayers that are paying for this and your role as a Councilor is to consider the diversity of interests and needs of the municipal community. These interests were made loud and clear during the recent Council Elections which resulted in three new Councilors in Bayside.

It is worth noting that the Church Street Traders Association views about parking was not echoed in the community by electing a new Councilor in the Dendy Ward.

Officers recommendation on Page 73 of 191 of the Ordinary Council Meeting if accepted by the Council will be met with strong community resistance, not only in the Dendy Ward but throughout the municipality

Page i of ii

According to Bayside ITS “Providing additional capacity through more road space and parking is not a sustainable solution” and yet this is precisely what this Amendment seeks to do.

Page 11 of 30

In the Transport System Objectives, the *Transport Integration Act 2010* similarly enshrines principles of:

- environmental sustainability through promoting forms of transport with the least impact on the natural environment (s. 10(c))
- integration of transport and land use (s. 11(1))
- reduction of private motor vehicle transport (s. 11(2)(c)).

Page 14 of 30

The Panel is disappointed that Council did address the clear indication that ITS does not consider the proposals of the type proposed by the Amendment to be sustainable. This is particularly relevant where:

- The *Planning and Environment Act (1987)* says under Objectives at s4(1):

The objectives of planning in Victoria are:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land

- The *Transport Integration Act (2010)* s6 Vision statement says:

The Parliament recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State”

Page 14 of 30

Council does have a framework for ensuring sustainable travel and it is important to work towards the implementation of this framework, even though some members of the community seek a different approach to parking.

The ITS promotes the improvement and prioritisation of local accessibility. Walking and cycling are both the most sustainable forms of transport and should be encouraged for short trips to work, school, activity centres and train stations. This is recognised in Strategic Direction 10, of ITS which seeks to “improve the integration of cycling with land use development, public transport and other key amenities”.

The site provides only a small increase to the number of parking spaces, and hence will have negligible impact in delivering car parking to meet community need, if this were supported by policy.

Subject	RE: Amendment 165BAYS - 5 & 7 Well Street, Brighton
Link to Outlook Item	Click here
From	Clarke Martin
To	John Kardis
Cc	Sonia Castelli ; Laurence Evans ; Jo Samuel-King ; Hanna El Mouallem ; Fiona Stitfold ; Cr Alex del Porto
Sent	15/03/2021, 4:56:32 pm

Thanks for your email John I appreciate the effort you have put into it.

Unfortunately the Panel did not 'sort it out once and for all'. The Panel advised that Bayside had not completed the strategic work required to change the zoning of the land.

I continue to advocate for much more strategic planning in Bayside Major Activity Centres to ensure they become the most liveable high density communities in Victoria. To me this means a much greater variety of housing options and better coordination with prospective developers and planning overlays.

Achieving this outcome requires more work as has been recommended in the report.

Your suggestions are valuable and I am confident will be able to be taken into account during the proposed planning process.

Again thank-you for your contribution I am very grateful for it.

Cr Clarke Martin.

From: John Kardis <john.kardis@buyitright.com.au>

Sent: Sunday, 14 March 2021 8:25 PM

Dear Cr Martin,

My name is John Kardis and I am a resident of 14A Well Street Brighton since 2000.

I am writing to you in relation to agenda item 10.3 (Amendment 165BAYS - 5 & 7 Well Street, Brighton) due to be discussed at next Tuesdays Ordinary Council Meeting.

I am addressing this to you in particular as the views you expressed when the matter was last before council were both sensible, realistic and insightful.

In the Ordinary council meeting of 19 February 2019, you lamented the lack of a strategic plan to inform this decision and described the process of submitting this to the minister as "not the greatest plan I've ever heard of" and "Knocking over a house to build 20 car parks, seriously, is that the plan?"

At the ordinary council meeting of 20 August 2019, you stated "I think it's great that this is going to a panel to get it sorted out once and for all". Not only did it go to the panel and get rejected, a further appeal to the minister was also rejected.

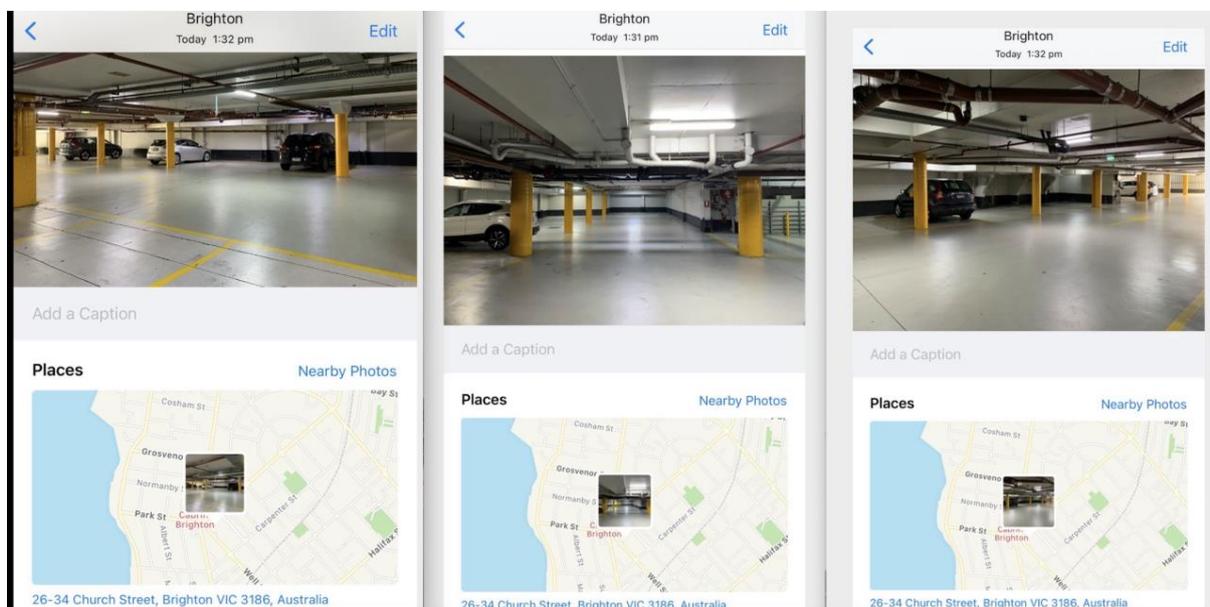
Your comments have been shown to be insightful as the Panel and the Minister's determinations not only criticised the lack of a plan, but they also pointed out that the proposal was in fact contrary to many of Bayside's existing plans and strategies. Now that the panel (and the minister) has get this "sorted out once and for all", I urge you to stand by your statements and put parking at 7 Well Street to bed, "once and for all".

The officer's suggestion that the council may do the "strategic work necessary to support a car park at this location" is ludicrous in the extreme. Really, are we going to create a strategic framework to justify a decision made by a council in 2005? Are we also going to change Bayside's "Bayside Integrated Transport Strategy" and "Open Space strategy" while we are at it? I cannot think of a better example of the tail wagging the dog if I tried.

As you pointed out in February 2019: "We will certainly not build enough car parks for this city, I can guarantee you that" and "You just can't keep introducing more and more cars into the MACs, it doesn't make sense".

The better solution for parking here is for council to rationalise the parking limits within the activity Centre (all day parking to become 2P parking and 2P parking to become 1p parking) also Council can enforce the planning permits conditions at the Dendy Plaza which amongst other things requires that "car parking is encouraged in the Dendy Plaza... being provided free of charge"

and, where there is an abundance of unutilised parking as you see from the attached pictures taken on Sunday 14 March 2021 at 1:31pm.



Council and rate payers have expended considerable resources and money on this matter over the last couple of years. I look forward to your leadership and hope you can provide an alternate resolution that will allocate this land for open green space that is desperately need in Middle Brighton.

Open green space is an asset for the betterment of our growing community, let's not throw away this valuable opportunity to improve our MAC

Sincerely

John Kardis

30. Mr David Rothfield (on behalf of Bayside Climate Crisis Action Group)

15 March 2021

Bayside City Council Governance, Mayor and Councillors,

Subject: **Request to be Heard – Statement**
Ordinary Meeting of Bayside City Council 16 March 2012
Agenda item: 10.3 – 7 Well St Brighton - Car park proposal

In 2017, Council considered turning the land into a public car park to provide more car parking space for shoppers.

Irrespective of the merits of the proposal at the time, today it must be clear that such a proposal makes no sense. Such an option is contrary to Council’s Planning Scheme as well as Council’s Integrated Transport Strategy (ITS). As the ITS states, “*Providing additional capacity through more road space and parking is not a sustainable solution*”. For good reason, planning controls seek to increase permeable areas and reduce hard surfaces. An open car park does the opposite.

On the occasions I drive to this shopping centre from my home in Black Rock, I prefer to park off-street in the basement car park under the Dendy Plaza Shopping Mall. I have never seen this car park full. On the contrary, it is usually half empty. In addition, more provision could be made for short term, on-street parking by reducing the existing parking time limit of 2 hours to 90 minutes or less, sufficient for most purposes. Those needing to park for longer, would still have the option of using the Dendy Plaza car park mentioned above.

Last year, Council adopted its Climate Emergency Action Plan. That plan calls for:

- *a ‘transition .. to sustainable transport such as walking, cycling, public transport and electric vehicles’, and also,*
- *providing ‘comfortable, liveable spaces for people .. (to) .. withstand climate related shocks and stressors, such as extreme heat ..’*

Building more hard surfaced car parks is contrary to both above aspirations. This proposal must be rejected, and in its stead, climate-safe alternative uses considered such as a community garden, pocket garden park and/or a children’s play area.

Kind regards,

David Rothfield
President
Bayside Climate Crisis Action Group

31. Mr Kevin Howard

Submission from Kevin Howard re Ordinary Council Meeting, 16th March 2021, agenda item 10.3 - AMENDMENT 165BAYS 5 & 7 WELL STREET, BRIGHTON

I object to Option 1 proposed by Council officers: “1. undertake the strategic work necessary to support a car park at this location”

Less than 18 months ago, Planning Panels Victoria refused to support an application from Council to amend the Bayside Planning Scheme in order create more car parking on the land at 7 Well St, Brighton. Among the reasons the panel gave for its decision were;

“According to Bayside’s ITS (Integrated Transport Strategy) “Providing additional capacity through more road space and parking is not a sustainable solution” and yet this is precisely what this Amendment seeks to do.”

“While the current proposal is relatively minor, once rezoned there would be few planning controls prohibiting a more intense car park use. A rezoning that had the potential to allow for such development should have strategic justification. “

“The Amendment is not strategically justified and is not supported by the Panel.”

However, Council officers now propose to do “the strategic work necessary to support a car park at this location”. In other words, officers propose to deliberately concoct a new strategy to fit their agenda; at least that’s how it appears to me. This makes a mockery of Council’s policies, and calls into question the sincerity of those responsible for drafting Council’s strategies and plans. One has to wonder what the motivations are to do this.

Such work may be futile, because it would struggle to overcome the Transport System Objectives of Transport Integration Act 2010. The Planning Panel concluded *“State policy aspirations are not met by an expansion of an at-grade car park onto activity centre land contrary to explicit local strategies on how parking is to be managed.”*

Council’s Integrated Transport Strategy (ITS)

The ITS was described by the Planning Panel as “carefully crafted and thoughtful”. It contains a number of goals and actions.

Particularly pertinent is Goal 6: **“Optimising Parking Opportunities”**

“Council will maximise the utilisation of existing parking space and balance the needs of drivers to ensure sufficient parking opportunities are available for those who need it. “

The proposed creation of additional at-grade asphalt car parking is a lazy solution when no efforts have been made to maximise the utilisation of existing parking spaces.

Climatic and Environmental Considerations

Council Officers’ proposal also conflicts with Council’s Climate Emergency Action Plan (p47) by creating an additional urban heat island and further encouraging the use of cars. Creating a new car

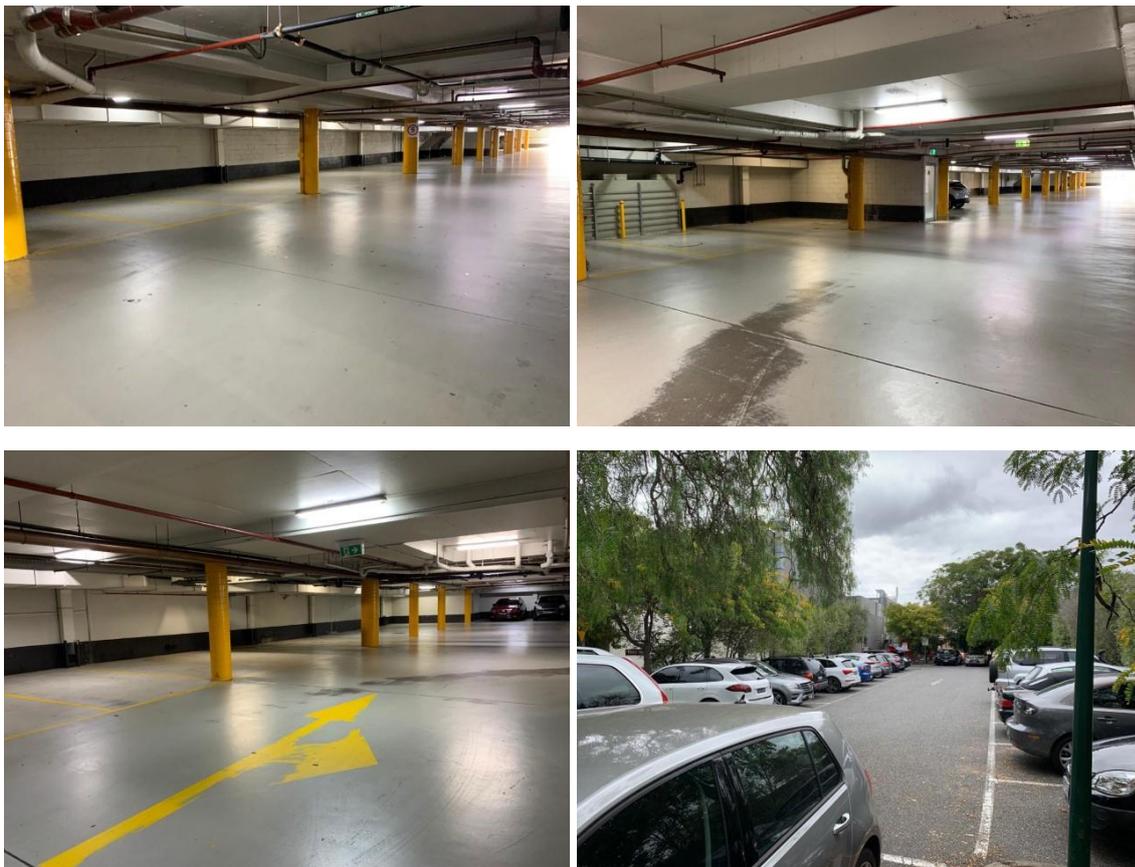
park would completely ignore Theme 5 of the action plan: Protect and enhance our natural environment, through urban greening.

Is there actually a demonstrated need or more car parking?

And while we're on the topic, was there actually a documented case for creating more car parking when Council bought 7 Well St in 2005?

I live in Brighton and visit Church St several times a week. It's a 40 minute walk for me so I usually drive there. It is rare not to be able to find a car park around the New St end of Church St. More often than not, I park in the Dendy Plaza public car park, which has **119 spaces**. It's free for the first 90 minutes, with very reasonable rates for longer stays. It is literally a few metres from the car park at 5 Well St – which Council wants to extend into 7 Well St.

The following photos show the Dendy Plaza public car park on Monday 15 March 2021 at 1:04 pm. There are about 80 vacant parking spots. Obviously it's not always like that, but the only time I ever find that car park completely full is a day or two before Christmas. It is very common to find many more parking spaces available in this car park than that which is being proposed at 7 Well St.



In addition to the parking spaces that are generally always available in the Dendy Plaza car park, there are many 2 hour parking spaces in neighbouring streets (including Well St) which could be changed to 90 or 60 minutes, which would improve turnover of vehicles creating more availability.

There are also approximately a dozen completely unrestricted public parking spaces behind the NAB bank and its neighbours on Church Street and I gather there are more off Carpenter St behind other retail premises. If these had time restrictions applied and the public were notified of their availability it would free up more parking, obviating the need to create new at-grade asphalt parking in Well St.

Other Opportunities

Council's focus should be on option 2 presented by the Officers;
"2. investigate alternative land use opportunities at the site"

There is a 'never to be repeated' opportunity here to **create new usable public open space**. This would deliver on other Council policies and strategies, such as the Bayside Open Space Strategy 2012, the Open Space section of the Bayside Planning Scheme 21.08, and the intent of the Public Open Space Contributions section of the Planning Scheme 22.01. These identify the need, and provide the funding for, additional public open space around Key Focus Residential Growth Areas. This is what Church St and Well St are classed as and are identified as being deficient in open space in the Planning Scheme and the Open Space Strategy: Suburb Analysis and Action Plan (August 2012)

One of the objectives of the Public Open Space Contribution policy is:

"To provide funding towards the acquisition of land for new usable public open space in areas that are currently deficient in public open space provision"

To my knowledge, Council has not acquired any new land for public open space since the Public Open Space Contributions began, and even though Council has received over \$7 million from Brighton alone, it is very unlikely that Council would buy land for this purpose in this part of Brighton – it is now just too expensive. The good news is, Council already own the land at 7 Well St, and have (somewhat prematurely) already demolished the house that stood on it.

This presents a unique opportunity to create a new 'pocket park' at 7 Well St, with additional tree canopy and other urban greening. This would provide incredibly valuable open space for local residents, including those in the many dozens of apartments which have been built on Well St in recent years and continue to be built.

This is an opportunity for Council to 'walk the talk' when it comes to the Open Space Policy, the Climate Action Plan and the Bayside 2050 vision.

Alternatively, if you ignore existing policies and strategies and pursue the goal of previous Councillors and/or officers, to create a new urban heat island in the form of a car park, you will continue to erode the trust and respect of the wider community.

I urge Councillors to vote against any motion which continues to explore the possibility of building more car parking at 7 Well St.

32. Ms Alison Joseph

10.3 AMENDMENT 165BAYS - 5 & 7 WELL STREET, BRIGHTON

Why waste more money on this proposal? The umpire has spoken, and there is no grounds for converting this property into a carpark. The Council should never have purchased the land for what was a prohibited use. There is no strategic justification for the proposal and it is contrary to many of Council's existing policies. Council officers now have a serious conflict of interest in recommending further strategic work to justify their own concocted proposal.

A very large number of residents objected to the use of the land for a carpark, so it once again begs the question - for whose benefit are Council officers pursuing this development? Have Council officers had any discussions or entered into Heads of Agreement or MOUs with any third parties for the use or lease of the land? Have Council officers had any discussion with local business owners (eg Dendy Centre, or carpark operators) concerning the provision of additional parking?

There is a lack of open space in the Brighton area and limited opportunity to acquire land for this purpose. The land should be converted into a pocket park.

Why not a park for seniors?

<https://www.nari.net.au/event/seniors-exercise-park-ballarat>

By the way, did Council ever do a Cultural Heritage Management plan for this site, given that a carpark triggers the requirements, and the fact the site adjoins an aboriginal well (Dendy's well)?

33. Ms Dianne Anderson

I wish to object to option 1 proposed by council officers. I am concerned at the process in terms of rejecting council's own integrated transport strategy and their open space policy and shifting the goal posts by trying to create a new strategy to suit a particular agenda. I also wish to object on the grounds that there has been no consultation and open space or housing would be a better use of the land

34. Ms Kae Ferguson

The number one complaint of people visiting Church Street to do shopping and business is lack of parking. So we strongly object to any Council decision, to create a 'Temporary or Permanent Park - Open Space' on this property. There are very accessible parks nearby. COVID has significantly affected businesses in Church St in a negative way and this decision by council could see these businesses close. Based on recent works council does care about the traders and their customers so hopefully common sense will prevail.