

# **WRITTEN STATEMENTS**

**15 March 2022**

**COUNCIL**

**MEETING**

**Item 10.1 Establishment of a Delegated Committee of Council to hear submissions to the Draft Post-War Modern Residential Heritage Study (page 3)**

1. Ms Felicity Watson (on behalf of National Trust of Australia – Victoria)
2. Mrs Fiona Austin
3. Mr Andrew Jessop & Ms Nareewan Wongle
4. Dr Zena Burgess
5. Mr Peter Corfield
6. Ms Marika Okkas
7. Ms Yulia Zlatkin
8. Mr Neill Wiffin
9. Ms Annie Price (on behalf of Beaumaris Modern)
10. Ms Sandra Collins
11. Mr Darryl Behrendorff
12. Mr Peter Hodges
13. Mrs Litsa Chorianopoulos
14. Ms Kate Murphy & Dennis Goldner AM
15. Mr Frank Pothitos
16. Mrs Michelle Tinsley

**Item 10.2 Dendy Street Beach erosion control – Long Term Options Update (page 22)**

1. Ms Fiona Quinn
2. Mrs Rhonda Lipschutz

**Item 10.4 Draft Domestic Animal Management Plan 2022–26: Community Consultation (page 29)**

1. Ms Linda Kiernan
2. Mrs Roseann Lenihan
3. Ms Patricia Smyth

**Item 10.15 Future Leases and Uses for Higinbotham Hall Precinct (page 35)**

1. Mr Roger Jones

## **Item 10.1**

**Establishment of a Delegated Committee  
of Council to hear submissions to the Draft  
Post-War Modern Residential Heritage Study**

## 1. Ms Felicity Watson (on behalf of National Trust of Australia – Victoria)

Dear Mayor and Councillors,

We write to you regarding *Agenda Item 10.1: Establishment of a delegated committee of council to hear submissions to the draft post-war modern residential heritage study.*

The National Trust congratulates Councillors and Council officers for progressing the preparation of the Post-War Modern Residential Heritage Study.

We commend the work undertaken by independent experts GJM Heritage, which provides a strong basis for the protection of significant heritage places in the municipality.

The National Trust supports the opportunity for property owners to meaningfully participate in the introduction of heritage overlays on privately-owned properties. However, we would like to reiterate that the most appropriate forum for submissions regarding the inclusion of individual places in the Heritage Overlay is during the independent planning panel process. This process provides all parties with an opportunity to present their arguments, which can then be assessed by independent experts who are able to make robust recommendations to Council and the Minister for Planning.

We therefore look forward to the exhibition of a planning scheme amendment to implement the heritage study, consistent with the direction provided by Planning Minister Richard Wynne in his letter to Council of 24 May 2020.

The timely progression of the current Heritage Study will ultimately provide greater certainty to property owners, heritage supporters and residents alike, and ensure the appropriate protection of heritage places as required by the *Planning and Environment Act 1987*.

Should Council resolve to appoint a delegated committee of Council to hear submissions, we look forward to making a submission in strong support of the Heritage Study at the May meeting of the committee.

I welcome you to contact me on 9656 9802 or at [felicity.watson@nattrust.com.au](mailto:felicity.watson@nattrust.com.au) if you would like to discuss this matter further.

Yours faithfully,



Felicity Watson  
Executive Manager, Advocacy

## 2. Mrs Fiona Austin

I am not sure why rate payers money and council officers time is being used on a large meeting that will take many hours? Surely that is what the panel hearing is for? Why double up?

The panel hearing allows all property owners a fair hearing to air their views and concerns. These views and concerns can then be taken into consideration by those with the knowledge and qualifications to make the appropriate decisions.

What is the point of councillors listening to the home owners opinions if they are not qualified to make heritage decisions?

The state government has a proper process for heritage. Bayside Council has already abandoned two studies and did not implement the recommendations for the 1999 study. Bayside Council has a poor reputation in Victoria for undertaking heritage studies and implementing the recommendations.

This is why we have a system which every other council follows, why not Bayside?

The head of Heritage Victoria once said this issue is just going to keep reoccurring until Bayside Council undertakes a proper study.

In fact, community groups like Beaumaris Modern, will continue to take action if any houses on the heritage study list are at risk of demolition. However, once Bayside Council have proceeded through the PROPER process – if any houses are removed by the panel then Beaumaris Modern will honour the experts decision and take no further action.

Residents of Bayside need certainty over their properties, an example of what can happen is the 'Esme Johnson' house in Grosvenor Street Brighton. A house that should have been listed back in 1999 – it was recommended for listing and because the owner lobbied council it was removed. So, when the house was under threat of demolition several community groups and Bayside Council had to take the case to VCAT. This case I understand cost Bayside Council over \$65, 000 to resolve. Does bayside Council want

to spend this sort of money on every house that is at risk? By going through the proper process this will not occur again.

Groups like Beaumaris Modern just want the study to be completed. They will honour the 'umpires decision', if a house Beaumaris Modern think is worthy, does not make the cut, then Beaumaris Modern will not object. Beaumaris modern will accept what is decided and move on from trying to save these significant houses. Certainty is what is required here for home owners, developers and the community.

The National Trust, Heritage Victoria and Beaumaris Modern, (with over 400 members and an instagram following of 12.4 thousand) plus other community groups are increasingly concerned about the lack of commitment to our heritage for future generations.

The constant demolition of perfectly well designed houses for developments is bad for the environment – (the wreckage ends up in land fill). Council need to support 'adaptive reuse' of existing buildings and consider asking developers to pay the 'real' cost of demolition.

Perhaps a better use of time instead of the 'Delegated Committee Meeting', councillors could use this time to come up with ways of assisting people with houses that are heritage listed. This assistance could include, rate discounts, a waver on stamp duty, interest free loans for restoration and a free architect service for renovations.

### **3. Mr Andrew Jessop & Nareewan Wongle**

Dear Council Members

We are the owners of 14 Cromer Road Beaumaris. Our letter is to object to our house being added to the proposed heritage overlay scheme.

Whilst we respect the intent of the plan, this house has been significantly altered during a renovation and extension carried out by the previous owners. Additionally, when we purchased the house in late 2019, no mention of this proposal was forthcoming in conveyancing and such a move is likely to cause up to 25% drop in value.

Please advise any further steps we should take to prevent this from moving forward as it is causing us great distress.

Many thanks

Andrew Jessop and Nareewan Wonglee

Owners

### **4. Dr Zena Burgess**

In relation to Heritage listing consultation process how will the safety of property owners be protected.? There have been altercations and abuse reported by some residents who now fear to speak . The council has a duty of care for rate payers to ensure they are both psychologically and physically safe when speaking to the planning committee. They also deserve an opportunity to present their views. The concern of residents must be taken seriously .The committee is therefore asked to limit consultation to those person and parties directly affected rather than including others who have a theoretical or business interest.

## **5. Mr Peter Corfield**

I am in favour of this recommendation, provided only affected property owners are allowed to speak. I thank Council for their consideration in this matter; many affected property owners have contacted me in the last month on this matter, I can't over estimate the stress and anxiety this is causing them, their livelihoods are at stake. In addition I am aware that Beaumaris Modern are proposing a Heritage Walk in May, I hear that this may be funded 'in part' by BCC !.In my opinion this March will not be helpful to the majority of affected residents, it will just add to their stress and anxiety and add to the 'conflict' that already exists in our community. 'Let Right Be Done'.

## 6. Ms Marika Okkas

Regarding File No: PSF/2120/3125

The establishment of a delegated committee council to hear submissions to the draft Post-War Modern residential heritage study

Dear Mr. Vercoe,

I am writing in response to the letter I received on 10th of March, 2022 regarding the issue above. The letter is addressed to my late mother Georgetta Okkas who passed away on 30th December, 2020. I, Marika Okkas, am the executor of her estate.

As a property owner, I do hope that this meeting will allow the most affected people's voices to be heard, and not other parties who may or may not have any pertinent information regarding this issue. Most importantly, people should be aware that the label of "heritage building" was not applied to some of these properties until now, and residents have had to invest a lot of funds and make modifications throughout the decades, since these homes may have been initially intended to be holiday homes. Good materials were not readily available when they were built, and in some cases, upgrades had to be made in order to assure that these houses could function all year round.

In order to have a constructive discussion I would like to understand what features are deemed so important to the "heritage building" application. Are we discussing merely the facades of these buildings? I feel that we need to carefully define the parameters of this discussion so that we have clarity, and are legally protected.

The crux of this issue, to put it in other words, is that while the "heritage building" label has come to be considered now in relation to certain houses, many of these buildings have already been modified, inside and out, throughout the decades. Therefore, they may not be in the original state, or as they were originally built. This applies to 15 Mariemont Avenue in Beaumaris.

I will discuss in person further details regarding the heritage listing application that relates to my house.

In conclusion, please consider the fact that this property has been maintained in the same style as it was originally designed. This is because we do value its aesthetics, and we could understand the vision of the architect. My father, Constantin Okkas, bought the property specifically because the grand facade with its large windows allowed us to appreciate the panoramic view of the bay. That was my father's first consideration, and it remains the best feature of the house. We can see that the architect designed it this way so as to capitalise on the view.

My family and I have been the guardians of the property at 15 Mariemont Avenue in Beaumaris for 61 years. It is not just a house, it is our home, and any decisions that you

make are likely to have a great impact on our lives.

I look forward to being able to express my views at the up-coming meetings when this issue will be discussed.

Sincerely,

Ms Marika Okkas

## **7. Ms Yulia Zlatkin**

Having just gone through the (painful) process of getting permits for a very sympathetic restoration of our mid-century house, I can only ask that any heritage listing better clarify the way the current overlays are written, or replace these overlays. Despite receiving a sympathetic hearing from council, their hands were tied due to the way the existing overlays are written - very poorly and containing contradictions (as agreed by council) - and its lack of the provision for the application of common sense - due to the word 'must' - even though all agreed the proposed changes were enhancing the property and in keeping with the meaning of the neighbourhood character.

The impost of having their property listed as 'heritage' on those who chose to retain the design - rather than destroy it (just look at most of the properties in Meyer Ct) seems patently unfair. Council was too slow to stop the desecration of many of the houses that were rendered, pulled down or renovated in anything but a sympathetic fashion and it now seems wrong to punish those home owners who chose to retain the heritage of their homes. Unsure how to reward these owners? Perhaps reduced rates is an option?

The other consideration is that mid-century modern architecture and design is more varied than most and one could argue that there is a degree of 'subjectivity' as to what MCM is... just look at all the different MCM houses within the city of Bayside and compare them! I fear that council will seek to implement too prescriptive/too tightly defined rules when it comes to those houses soon to be listed as heritage. Perhaps an MCM committee should ultimately decide on proposed changes to MCM houses rather than council public servants?

Just a couple of thoughts/fears/ideas.

Thanks  
Yulia

## **8. Mr Neill Wiffin**

I commend the Council for forming this delegated committee however request that submissions either be restricted to property owners directly affected by the current heritage process or failing that, Council give primacy to submissions from directly affected property owners.

## 9. Ms Annie Price (on behalf of Beaumaris Modern)

Dear Mayor, Councillors & planning staff.

Firstly, Beaumaris Modern congratulates Council and Councillors for commissioning the draft Post-War Modern Residential Heritage Study. It's a highly professional report, undertaken by GJM Heritage, experts in the field.

Unfortunately, history shows us that all previous Bayside Council post-war heritage studies, over the course of 20 years, have been derailed by Councillors. Hence the recent intervention of the planning minister, the Hon Richard Wynne, insisting Bayside Council complete and implement their heritage studies.

All other Victorian councils have completed their heritage studies and gone through a rigorous process, devised by the State Government, to ensure an informed, thorough and fair outcome.

In Bayside Council's case, homeowners and other stake holders can give their feedback before April 30, allowing all parties a chance to add any missing information and for council officers to adjust the study accordingly. Then later in the year, stakeholders will have the opportunity to speak before a State Government panel hearing. We feel this process, clearly outlined and communicated by council, is perfectly adequate to allow everyone to have their say. So, we don't believe it's necessary to form a Delegated Committee of Council to hear submissions in relation to the draft Post-War Modern Residential Heritage Study, which will only add an extra layer of confusion and stress on homeowners. The timely progression of the current Heritage Study will ultimately provide greater certainty to property owners, heritage supporters and residents alike, and ensure the appropriate protection of heritage places as required by the *Planning and Environment Act 1987*.

Lastly, we feel it's very important Councillors do not seek to prematurely remove properties from the study for emotional reasons. Councillors are not heritage architects and do not have the specialist knowledge required for final decisions. That is what the State Government panel hearing is for.

Best regards,

Beaumaris Modern.

## **10. Ms Sandra Collins**

I commend the council for their proposal as per Item 10.1 and support open, transparent community consultation. I support home owners being at the heart of all decisions. As an owner of a home Bayside City Council and a group of residents want to conserve through a Heritage Overlay it is evident that at present all the burden of this scheme lies squarely with us, the home owner.

There is no secret that owning an MCM requires a high level of commitment and money; Fiona Austin Sept 2017 The Domain Magazine "They need everything. They're worn out. They need rewiring, replumbing and, to do them properly, they become a money pit,"

Add to this a Heritage overlay the ability to maintain our home to meet heritage criteria would make maintenance at times financially prohibitive. This will become an extraordinary burden. A burden we carry so a group of residents can walk past our homes and admire them. In fact certain community groups even financially benefit getting people to pay for a walking tour past our homes.

How do Council and the residents advocating so strongly for a Heritage overlay on my home intent to support us financially ? If the community value my home so much they feel the need to protect it surely they must too wear some of the financial burden?

I request that the council established, prior to any homes being listed, a Heritage Levy on all rate payers to support homeowners who are required to keep their homes as a perpetual museum for the community ?

## **11. Mr Darryl Behrendorff**

I write to formally request that the property at 19 Haywood Street Beaumaris is removed from this proposal effective immediately.

Whilst we appreciate the design of our house .. we purchased it with the intention of extending to accommodate a growing family.

We also note that the houses in our street are not part of any overlay and as a result we have seen a lot of redevelopment with no regard to design or architecture.

There is no doubt that should this proceed the value of our asset would be severely impacted and substantial compensation would need to be paid. We don't want this to proceed .

We ask that you confirm in writing that 19 Haywood Street Beaumaris is removed from the proposal.

Thank you

Your sincerely  
Darryl Behrendorff

## 12. Mr Peter Hodges

To the Council/committee Re; Owners input re Heritage Overlay 94 Bay Rd Sandringham

I am writing as the owner of Unit 4 at 94 Bay Rd Sandringham and representing the views of myself and the other 3 owners at this address.

We object to the imposition of a 'Heritage Overlay' due to the potential future financial loss incurred by the owners. These Units represent, to a large extent, future financial security in retirement and our ability to contribute to our families future financial security.

The Heritage overlay would totally kill any interest in the property by developers and hence significantly reduce interest by investors thereby greatly driving down demand at sale.

Growth in the Unit and Apartment space is already known to be significantly less than free standing houses and the imposition of the overlay would greatly worsen growth for these particular properties. Given the modest size of the dwellings and the tight 'one car' parking the buyers market would become very narrow, especially knowing there is no ability to significantly upgrade or improve the properties in the future.

It should be noted the location at 94 Bay Rd Sandringham is in a prime position, being a short walk from a beautiful beach and the lovely Sandringham village making it a very desirable position for local residents to consider it an address to retire to (having sold the local family home for example) IF the property was upgraded.

The property would be ideal for a high end development that would afford the quality of living people would be looking for, further enhancing the area aesthetically and value wise.

This Heritage overlay would be an onerous restriction preventing ANY change of substance very much unlike other overlays that only require maintenance of a facade but allow 'carte blanche' enhancement behind including modern additions and significant sqm increase, we would not have that freedom at all.

This could literally cost us 100s of 1000s of dollars of return of our investment. Like many Australians much of our wealth and security is held in property. In my case and that of others at 94 Bay Rd this is our only property and the potential loss is significant.

Sincerely

Peter Hodges Unit 4

on behalf myself and the other Owners

### **13. Mrs Litsa Chorianopoulos**

I agree with the proposed establishment of the Delegate Committee and request that submissions to this committee are restricted to the property owners (and/or their representatives) who are currently affected by this current heritage process.

## 14. Ms Kate Murphy & Dennis Goldner AM

### Submission to Bayside City Council Meeting 15 March 2022 (Murphy/Goldner)

We refer your letter of 8 March (signed by Tom Vercoe, Strategic Planning Co-ordinator) in relation to the establishment of a Delegated Committee of Council to make submissions to the draft Post-War Modern Residential Heritage Study. Among other matters addressed in this letter, it states members of the public may submit a written statement by the morning of 15 March.

Please note that your letter was dated 8 March 2022 and received subsequently leaving us as an interested party no sensible amount of time to prepare (please note also that a public holiday is interspersed in this timeline!) This merely adds to the stress and anger we are feeling about this whole process. However, we want to make a few brief points to record our strong objection to this process and to the idea our property might be heritage listed.

We object strenuously to our house being slated for heritage listing.

In summary, our objections are as follows:

- **Compulsory listing**

It is grossly unfair that Council is seeking to impose heritage listings on any resident. It should be a matter of free choice by residents who may wish to seek that status for their house. That is the only fair way of proceeding with this project.

Heritage listing imposes costs on residents for challenging the proposed overlay as well as ongoing costs for maintaining the property. Why should this fall to a few? All such costs should be borne by Council.

We ask that Council vote to abandon this *Post-War Modern Residential Heritage Study* at the June 2022 meeting.

- **Unsuitable for listing**

Our house has been so comprehensively altered over the years that the idea of heritage listing is simply absurd. Further, the only part of the house that can be seen by the public is two open carports – it is ridiculous to think these have any interesting architectural, aesthetic or local historical value and thus should be maintained in perpetuity.

This house does not reflect neighbourhood character. Our neighbourhood character, such as it is, includes large properties with some grand older recently renovated housing as well as large newly constructed modern contemporary houses. The three house blocks, one of which is ours, were the smallest in the street and are out of step with the other residences.

The listing is made by an external consultant who can (and has) used the criteria for listing very broadly using limited information from external sources. It is a subjective

matter and very possibly in the consultant's interests to include more properties than remove any from the study. It is hard for us with so much at risk to trust in this process.

- **Devaluing our primary asset**

The proposal threatens to massively diminish our property value. We are surrounded by sites where existing properties were demolished and modern contemporary houses built in their place. Any buyer will certainly wish to have that option when we seek to sell our property. The risk of property devaluation is amplified by the fact we are the only property in our entire suburb (Hampton) that is nominated in this study. This means there is no streetscape whatsoever of modernist houses. The neighbourhood character has evolved and our street comprises modern contemporary housing stock with our house the anomaly, with the two open carports looking 'like a his-and-hers public toilet' – as commented by one neighbour!

- **Personal cost to us**

Council is already subjecting us to enormous cost to defend ourselves from this ridiculous process, which we as retirees can ill afford. All the professional advice we have received has indicated we need to commission heritage advice of our own, which as you are aware is expensive.

Your process threatens to leave us dangling in uncertainty for months, if not years. This simply adds to the stress you are causing us.

How from a public policy point of view is it not reasonable to have property values a consideration in this process? Why should individuals bear this cost for some supposed public good – not easily recognisable in our property. We remind you that you are toying with the value of our primary retirement asset.

It is also patently unfair that this burden is put on some homeowners in Bayside and not others. If the Council puts so much store on preserving modernist heritage, it should find ways and means of financing this itself, not expect individual residents to bear the burden.

- **Lack of justification for this action**

The Council has not provided justification or a clear policy to support a targeted and ongoing financial burden being placed on nominated homeowners. Heritage overlay will impose a financial obligation on the homeowners to maintain their properties for the benefit of others (to meet some numeric target or supposed public benefit?) who will not suffer from this burden or contribute to it. How is this fair? What value is there really to someone standing on the street and looking at two carports?

It was with great interest we read the *Bayside City Council – Submission: Parliamentary Inquiry into the protections within the Victorian Planning Framework* which is part of the agenda papers for this meeting. This document outlines many of the issues that are concerning for us and it makes it clear Council is very aware of the costliness and unfairness of this process and that it is weighted against homeowners.

We note in your own document you state:

- **Delivering certainty and fairness in planning decisions (para 4.3)**

*Council considers it critical that transparency is maintained and that decision making is fair, transparent .... (page 411 of agenda).*

We do not see this being demonstrated in this current process. We have received 3 letters with different information about this process with ever diminishing timelines.

- **Impact on mental health**

*A key challenge in relation to the VCAT appeal process is the considerable amount of time it can take from an application being lodged to a decision being published. For communities that are living the daily reality of impending change, this can have a significant impact on mental health and stress levels, in addition to the cost pressures these extensive timeframes places on developers. (page 14).*

This sums up our situation perfectly and the process has only just begun!

- **Applying heritage criteria**

In your submission we note:

*The adequacy of current criteria and processes for heritage protection Council defers to external expert heritage consultants to apply the criteria for heritage protection and does not generally deal 'hands on' in this area. The processes to seek heritage protection are very much weighted towards statutory protections and Council has received significant feedback around the lack of fairness for property owners (page 415).*

QED

- **Separating heritage protection from the planning administration**

*The assessment of heritage properties is a costly, resource intensive process that becomes contentious, and is not best served through a standard planning scheme amendment process. The process to undertake an assessment of a heritage property is often done from the public realm alone, as many owners are unwilling to allow access to their properties. Whilst there are online resources available, rarely is there opportunity to inspect a property thoroughly before determining whether it is of potential heritage significance. Whilst it can be considered that this may not be essential, it can create challenge when liaising with property owners as the engaged experts have formed a view without being able to thoroughly inspect a property, creating tension and questioning the integrity of the assessments. (page 415).*

We agree. This is an inadequate, costly and invasive process. This is why Council should discontinue this project at its June meeting.

- **Establishment of a Delegated Committee (Item 10.1)**

With regard to the establishment of a Delegated Committee for the purpose of hearing submissions in relation to the draft Heritage Study, we consider this a minimum effort by Council to allow affected homeowners to be heard on this matter and to allow other Bayside residents to hear their concerns. In so much as this is being offered, we support it.

It is not clear how all affected homeowners will have a fair hearing at this meeting. If 100+ affected residents avail themselves of the 3 minutes on offer it means the Council meeting would run for approximately 5 hours. How will this meeting be organised to ensure homeowners would have sufficient time to state their concerns and for the Council to listen to each with 'fresh ears' and properly consider these issues? We would be very concerned if Council tried to curtail this in any way. We hope this is not just an effort to show 'consultation with residents' without there being any real hope of a fair and measured hearing.

With regard to the statement: *no further opportunity would be afforded submitters to make a presentation on the subject matter when it is considered at a Council Meeting.* We consider this unacceptable and it appears to be Council washing its hands of this issue.

- **An alternative and better way**

We suggest voluntary listing of private homes and, if sensible, compulsory listing of publicly owned buildings. Council should pay for peer reviews and other costs related to this process for any affected properties.

Council may want to consider acquiring one or two well preserved properties and use them for display purposes and make them available to the general public and the community for other uses. In this way people could see the style of architecture inside and out. Council and State Government could acquire at market prices those residences they consider worthy of heritage preservation.

- **Additional information**

Please be aware that this submission is necessarily brief and does not contain detailed arguments as to why our house should not be listed. Your letter of 3 February spells out a process culminating in a key milestone of 30 April 2022. We reserve all rights to put further and detailed arguments to Council in accordance with that process.

As our elected representatives we believe that Council must vote to abandon this *Post-War Modern Residential Heritage Study* at the June 2022 Council meeting.

Yours sincerely,

Kate Murphy and Dennis Goldner AM, Bolton Avenue, Hampton

## **15. Mr Frank Pothitos**

In relation to Heritage, the group of people affected, feel threatened, are physiologically impacted, are forced to spend money to engage experts to oppose the study at a large financial burden for a process the majority of bayside residents oppose.

The committee is asked to consult and support these affected people rather than treating them like a number.

## **16. Mrs Michelle Tinsley**

1. The structural integrity of the building - we have over the years raised structural concerns (from the concrete walkways, the fencing, the windows/frames etc.). This would limit our ability to evolve our building to meet safe building standards.
2. The carports were designed in an era where cars are very small. Re-development of our building should the structural integrity warrant it, would want to see the car spaces adequately sized for vehicles of today.
3. Property has very low street appeal with negative feedback from prospective tenants. This would prevent us as a committee from having alternative options in the future.
4. Current building does not utilise land space effectively and therefore limits re-development opportunities for property owners, should the building's structural integrity warrant it.

**Item 10.2**  
**Dendy Street Beach erosion control**  
**– Long Term Options Update**

## 1. Ms Fiona Quinn

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing File

As stated in the Executive Summary:

*“Point six of the resolution passed at the 23 November 2021 Council Meeting (that Council):*

*Point 3. actively monitors the effectiveness of the beach renourishment and modify the approach in the future if required*

*Point 4. continues to protect the sand dunes and vegetation in the area”*

### **Monitoring the effectiveness of the beach renourishment (Point 3)**

The massive loss of sand at the southern end of Dendy Street Beach has been exacerbated by the rows of sandbags that have been in place for over 12 months. The recent extension of the sandbags this year and the excavation works have dramatically worsened the situation. The affected area is now extending north along the beach, resulting in damage to a much larger group of bathing boxes, and the loss of a significant area of the beach. Expert advice is urgently needed to re-assess the sandbag approach being taken by Council.

### **Council’s intention is to protect the sand dunes and vegetation in the area (Point 4)**

Decades of neglect of the undergrowth region between the Bathing Boxes and the Cyclist/pedestrian footpath is evidenced by dead trees, rubbish and invasive weeds and toxic plants. Examples are:

- European Beach Grass also known as “Marram Grass”  
*“Widely planted as a sand dune stabiliser but has replaced the native Hairy Spinifex (*Spinifex sericeus*) in many places. Tolerant and in fact stimulated by progressive sand burials, the plant’s dense growth habit and extensive rhizomatous root system entraps mobile sand and allows the building of dunes. Unfortunately, it has been shown that the steep-faced dunes formed by Marram Grass activity, at the expense of beach and near shore sand, leads to increased susceptibility to wave erosion and subsequent coastal recession.”*

**Reference:** <http://vro.agriculture.vic.gov.au>

- African Boxthorn

African Boxthorn is a rounded, woody, densely branched and very thorny large shrub up to 5 metres high.... African boxthorn develops an extensive deep, branched taproot... African boxthorn is a fast-growing invasive species that, if untreated, spreads quickly and grows to a great size, and dense infestations out-compete native plants. It invades watercourses denying animals access to water. It also provides harbour for pest animals such as rabbits and foxes. African boxthorn provides a breeding place for pest insects such as fruit fly, dried fruit beetle, tomato fly and house fly.

The Fruit of the African boxthorn may be toxic to humans and its spines can inflict painful injuries. If left untreated, large plants and dense infestations can impede access by people and vehicles.

**Reference:**

<https://agriculture.vic.gov.au/biosecurity/weeds/priority-weeds/african-boxthorn>

Spiky bushes and overhanging tree branches scratch pedestrians as they walk onto the beach. Invasive weeds have spread onto the beach behind the bathing boxes and contribute to the erosion. The Norwood Avenue pathway needs serious attention – the steps are in poor condition and tree roots extend across the path and are hazardous. The path is too narrow at the top near the pedestrian/cyclist path, with limited site lines to the path along The Esplanade, used by cyclists who often travel at excessive speed.

Bayside Council, Visit Victoria and other websites promote the Dendy Street Beach as an iconic place for tourists to visit. This council report (p.53) acknowledges that “*Dendy Street Beach is a popular stretch of the Bayside foreshore. It is also home to the internationally renowned and iconic bathing boxes.*” Consequently, this precinct attracts large numbers of local residents and tourists.

The following, serious, ongoing issues with this precinct result in OH&S issues and reputational damage for the Council.

There are insufficient rubbish bins on the foreshore. The current bins are unsightly and smelly and new, modern, more hygienic bins should be placed in less obtrusive positions, such as at the base of each access path, and near the Kinane St toilet block. It is very unhealthy for beachgoers to have these bins located next to Bathing Boxes and people who are sitting on the sand. There are old concrete slabs left in the sand near the Norwood Avenue path that are a hazard, and the new slabs are tilted at a dangerous angle.

The area near Kinane Street toilet block is compromised. Water has been re-routed to the fenced off temporary lifesaving club area. There is limited fresh water available for drinking purposes or first aid in this precinct and the Dendy Street Pavilion construction area is out of bounds for two years. Additional freshwater taps need to be installed near the Kinane Street toilet block and near all paths leading to the beach.

Additional outdoor showers are needed near the Kinane St toilet block to cope with demand. Other beaches, such as Elwood and Hampton, have vastly superior facilities including better lighting and much safer individual toilets. The current toilets are inadequate, with no lighting and no CCTV cameras monitoring the exterior area.

Hot water should be available outside the toilets, both for consumption and for first aid e.g. treatment of various marine animal stings. This is best practice as evidenced along beaches in NSW and Queensland.

With massive overgrowth of vegetation behind the bathing boxes, that now extends beyond the broken wire fencing, there is a significant risk of fire and risk to human life and property, together with loss of vegetation. There are currently no fire hydrants in this precinct, and the risk of fire damage is exacerbated by minimal access to the beach.

Solar lighting and CCTV cameras should be installed along the beach, and on the major access paths.

Due to the lengthy construction process for the new Dendy Street Pavilion, there is severely restricted parking for beachgoers. The carpark near the old lifesaving club is currently closed. Carparking places along The Esplanade have been removed near Gould Street and the Dendy Street traffic lights. Bayside Council needs to consider increasing the areas available for Bayside ratepayers to park longer than one hour in nearby streets.

Given the heavy traffic with cyclists using the road and the shared pathway there is an urgent need for a safe 15-minute drop-off area – possibly in the driveway area opposite

Kinane Street, or a couple of extra parking spots on the Esplanade could be reserved for this purpose.

### **Consultation with Stakeholders**

Council officers recommend that consultation is undertaken with key stakeholders to collect feedback regarding long term mitigation options. Bathing Box owners pay significant licence fees and rates directly to Council, together with residential rates, and should be an integral part of the important consultation process.

### **Cardno Report to Council (Attachment 1)**

*“This report is an investigation of long-term concept options in dealing with foreshore erosion, that can prove sustainable in protecting all bathing boxes, dunes, cultural heritage, native vegetation and maintain safe public access to the beach for a design life of 30-50 years.”*

By addressing the issues outlined above, the Bayside City Council can have a significant impact on the key assets and heritage of the Dendy Street Beach precinct.

## 2. Mrs Rhonda Lipschutz

Environment, Recreation and Infrastructure - Open Space, Recreation and Wellbeing File

As stated in the Executive Summary:

*“Point six of the resolution passed at the 23 November 2021 Council Meeting (that Council):*

*Point 3. actively monitors the effectiveness of the beach renourishment and modify the approach in the future if required*

*Point 4. continues to protect the sand dunes and vegetation in the area”*

### **Monitoring the effectiveness of the beach renourishment (Point 3)**

The massive loss of sand at the southern end of Dendy Street Beach has been exacerbated by the rows of sandbags that have been in place for over 12 months. The recent extension of the sandbags this year and the excavation works have dramatically worsened the situation. The affected area is now extending north along the beach, resulting in damage to a much larger group of bathing boxes, and the loss of a significant area of the beach. Expert advice is urgently needed to re-assess the sandbag approach being taken by Council.

### **Council’s intention is to protect the sand dunes and vegetation in the area (Point 4)**

Decades of neglect of the undergrowth region between the Bathing Boxes and the Cyclist/pedestrian footpath is evidenced by dead trees, rubbish and invasive weeds and toxic plants. Examples are:

- European Beach Grass also known as “Marram Grass”  
*“Widely planted as a sand dune stabiliser but has replaced the native Hairy Spinifex (*Spinifex sericeus*) in many places. Tolerant and in fact stimulated by progressive sand burials, the plant’s dense growth habit and extensive rhizomatous root system entraps mobile sand and allows the building of dunes. Unfortunately, it has been shown that the steep-faced dunes formed by Marram Grass activity, at the expense of beach and near shore sand, leads to increased susceptibility to wave erosion and subsequent coastal recession.”*

**Reference:** <http://vro.agriculture.vic.gov.au>

- African Boxthorn

African Boxthorn is a rounded, woody, densely branched and very thorny large shrub up to 5 metres high.... African boxthorn develops an extensive deep, branched taproot... African boxthorn is a fast-growing invasive species that, if untreated, spreads quickly and grows to a great size, and dense infestations out-compete native plants. It invades watercourses denying animals access to water. It also provides harbour for pest animals such as rabbits and foxes. African boxthorn provides a breeding place for pest insects such as fruit fly, dried fruit beetle, tomato fly and house fly.

The Fruit of the African boxthorn may be toxic to humans and its spines can inflict painful injuries. If left untreated, large plants and dense infestations can impede access by people and vehicles.

**Reference:**

<https://agriculture.vic.gov.au/biosecurity/weeds/priority-weeds/african-boxthorn>

Spiky bushes and overhanging tree branches scratch pedestrians as they walk onto the beach. Invasive weeds have spread onto the beach behind the bathing boxes and contribute to the erosion. The Norwood Avenue pathway needs serious attention – the steps are in poor condition and tree roots extend across the path and are hazardous. The path is too narrow at the top near the pedestrian/cyclist path, with limited site lines to the path along The Esplanade, used by cyclists who often travel at excessive speed.

Bayside Council, Visit Victoria and other websites promote the Dendy Street Beach as an iconic place for tourists to visit. This council report (p.53) acknowledges that “*Dendy Street Beach is a popular stretch of the Bayside foreshore. It is also home to the internationally renowned and iconic bathing boxes.*” Consequently, this precinct attracts large numbers of local residents and tourists.

The following, serious, ongoing issues with this precinct result in OH&S issues and reputational damage for the Council.

There are insufficient rubbish bins on the foreshore. The current bins are unsightly and smelly and new, modern, more hygienic bins should be placed in less obtrusive positions, such as at the base of each access path, and near the Kinane St toilet block. It is very unhealthy for beachgoers to have these bins located next to Bathing Boxes and people who are sitting on the sand. There are old concrete slabs left in the sand near the Norwood Avenue path that are a hazard, and the new slabs are tilted at a dangerous angle.

The area near Kinane Street toilet block is compromised. Water has been re-routed to the fenced off temporary lifesaving club area. There is limited fresh water available for drinking purposes or first aid in this precinct and the Dendy Street Pavilion construction area is out of bounds for two years. Additional freshwater taps need to be installed near the Kinane Street toilet block and near all paths leading to the beach.

Additional outdoor showers are needed near the Kinane St toilet block to cope with demand. Other beaches, such as Elwood and Hampton, have vastly superior facilities including better lighting and much safer individual toilets. The current toilets are inadequate, with no lighting and no CCTV cameras monitoring the exterior area.

Hot water should be available outside the toilets, both for consumption and for first aid e.g. treatment of various marine animal stings. This is best practice as evidenced along beaches in NSW and Queensland.

With massive overgrowth of vegetation behind the bathing boxes, that now extends beyond the broken wire fencing, there is a significant risk of fire and risk to human life and property, together with loss of vegetation. There are currently no fire hydrants in this precinct, and the risk of fire damage is exacerbated by minimal access to the beach.

Solar lighting and CCTV cameras should be installed along the beach, and on the major access paths.

Due to the lengthy construction process for the new Dendy Street Pavilion, there is severely restricted parking for beachgoers. The carpark near the old lifesaving club is currently closed. Carparking places along The Esplanade have been removed near Gould Street and the Dendy Street traffic lights. Bayside Council needs to consider increasing the areas available for Bayside ratepayers to park longer than one hour in nearby streets.

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Kinane Street, or a couple of extra parking spots on the Esplanade could be reserved for this purpose.

### **Consultation with Stakeholders**

Council officers recommend that consultation is undertaken with key stakeholders to collect feedback regarding long term mitigation options. Bathing Box owners pay significant licence fees and rates directly to Council, together with residential rates, and should be an integral part of the important consultation process.

### **Cardno Report to Council (Attachment 1)**

*“This report is an investigation of long-term concept options in dealing with foreshore erosion, that can prove sustainable in protecting all bathing boxes, dunes, cultural heritage, native vegetation and maintain safe public access to the beach for a design life of 30-50 years.”*

By addressing the issues outlined above, the Bayside City Council can have a significant impact on the key assets and heritage of the Dendy Street Beach precinct.

**Item 10.4**  
**Draft Domestic Animal Management Plan**  
**2022–26: Community Consultation**

## 1. Ms Linda Kiernan

As a resident of Beaumaris, I would like to highlight that the proposed relocation of dog off leash access from beach areas adjacent to the Ricketts Point Marine Sanctuary (Fourth Street to the Beaumaris Sea Scouts) would remove off-leash beach access entirely from the suburb of Beaumaris. Whilst I respect Council's decision to increase off-leash access at other Bayside beach areas, this does not serve the dog owner community within Beaumaris, which is a high proportion of the population. Rickett's Point foreshore next to the Yacht Club is the second most frequently visited off-leash amenity area for all Bayside Southern Residents, and the most valued off-leash area for all Beaumaris residents. Without it, we only have one off-leash amenity (Banksia Reserve), with no water access for dogs to cool down and limited recreational amenity for residents. Having beach access with our dogs, which I have observed as being a simple, non-abrasive walk or shallow dip on the foreshore, is a vital part of our local culture and community. I am not sure how dogs are causing more damage to the area than say children? In fact, many dog owners pick up rubbish, toys and even dirty nappies which were left on the beach by humans and children on our morning walks. Can I please request that equal representation from Marine Sanctuary protection groups and Beaumaris resident dog owners is invited and considered as part of the community consultation. I am praying that a solution can be reached that protects the sanctuary whilst allowing dog owners to continue to enjoy this highly valued part of our neighbourhood, even if on a reduced scale. It would be detrimental to the residents of Beaumaris to completely remove off-leash access to the foreshore when so many of us live here for that exact reason. Thank you.

## **2. Mrs Roseann Lenihan**

I note the intention of introducing a cat confinement plan to have the cat contained indoors. I think this is cruel and unworkable. What is the point in having a back garden if you have to keep the cat in the house. A cat should not be a caged animal. Also if a cat has been allowed out it becomes impossible to make it an indoor cat. How do you explain to a cat that the laws have changed and it cannot get out. I have a cat that is confined at night as per current curfews. He is not out hunting birds but just hangs around. He is supervised most times. At least he keeps the rats at bay. What are council doing with the increase in the rat population in Bayside.

Dogs on leashes and dogs off lease areas: I have lived in bayside for over 30 years and only once in that time have I seen a bylaws officer at the foreshore to tell people to lease their dogs. I am fed up walking on dog poo. The amount of people who run and let the dogs roam. The dogs proceed to poo with the owner not giving a stuff. The amount of times I have had to get owners to clean up the mess. This is a bigger problem than cats outside.

I think Council needs to get a grip on reality and what is happening around rather than some "pie in the sky" rules to keep some sections of the community happy.

### 3. Ms Patricia Smyth

Re the Draft DAMP 2022-2026

I am commenting mainly on one aspect : the “Cat Containment” proposal.

The Draft DAMP states: “Based on these factors Council will transition to permanent cat containment day and night across the 4 years of the DAMP. This will ensure that the community are supported to transition their existing cats to cat containment”(p.37). Cat containment is defined as “Cat containment means that cats are prevented from roaming at any time, day or night. Cats can be contained by keeping them indoors or on their property.”

1. The report is not proposing consultation: it is saying that Cat Containment will be happening.
2. However Council’s email of 9/3/2022 re A draft Plan for Pets and public spaces says :  
“Transition to cat containment (day and night) for the safety of cats and native wildlife. *Upcoming community consultation will explore this proposal further to better understand the level of community support for different definitions of and approaches to cat containment.*  
This email appears to say that no decision has already been made, a very different impression to what the DRAFT DAMP actually says.
3. This email gives the impression that this plan will only be about the public realm. It would appear this proposal wants to regulate the private realm and what the community do in their own homes.
4. The “What you told us about Pets and Public Spaces”document says “However, there is minimal support for cat containment (33% overall, 17% cat owners) nor increasing the night-time curfew for cats (32% overall, 12% cat owners)”.  
That is, 67% of your general residents do not support Cat Containment, and 83 % of cat owners do not support this idea. That is, a substantial majority of the community do not agree with Cat Containment.  
Additionally increasing the cat curfew is not supported by your residents: 68% of general residents and 88% of cat owners are against this proposal. On the basis of Consultation carried out , as part of this DRAFT DAMP, there is no basis for the recommendation made about Cat Containment.
6. Nonetheless, despite there being a substantial majority against Cat Containment it is particularly singled out as an idea to be explored.

7. One of the five justifications for the Cat Containment is noted as “Cat trap requests increased to their highest levels (101) requests in 2020/2021 (p. 37. The DRAFT DAMP notes (p.16) that the number of impounded cats has declined from 1,51% of the cat population (2021/13) to 1.175% (2020/2021) and that the percentage of cats euthanised over the same period has likewise declined. The higher number of cat trap requests may have occurred due to the high percentage of feral animals which have had to be euthanased. That is; the increase in cat traps may be due to semi wild animals not to domestic cats. All other “nuisance” statistics for Cats have declined, yet those statistics are not used (p.16).
8. The DRAFT DAMP notes that there has been an increase in lack of knowledge about; the need for cat registration and desexing, and Cat curfews,. However it also notes (p.15) that Council has not run any Pet Expo and Animal Registration Days over the last 2 years. Wouldn’t it be better to recommence education of cat owners before commencing this drastic step of caging animals (cats).
9. The DRAFT DAMP gives no idea of how this caging of cats will be carried out. Will each Cat owner be required to install extremely high fences, install expensive cat runs, or put wire netting over the whole yard? It’s not productive “consulting” or proposing cat containment or saying it “will happen” without informing, and discussing with the community, how this will happen. It may be this information will be provided during consultation, however the DAMP does not provide any clear information how this proposed Cat Containment would be carried out. As a document proposing this huge change it should contain this detail.
10. In the apparent absence of any work on the demographics of cat ownership in Bayside, it is difficult to say what the impact of this proposal would be on residents. Councillors should consider how cat owners, many of whom may be elderly, would cope with the additional structures required to be erected, i.e., substantial cat runs to enable their cats to experience some of the outdoors.
11. I also note that one of the activities in 4.3 is to “Promote confinement of dogs and cats to owner’s premises to prevent stray cats and dogs wandering” (p.29). Is Cat Confinement where it will stop? Will Dog Confinement, (whatever confinement means, and it hasn’t been defined for cats) be next for Dogs?

**I request that Council:**

- a. Ensure that this DRAFT DAMP includes far more about the beneficial affects of pets; the entire DRAFT DAMP considers animals as nuisances, not as a positive aspect of many residents lives.
- b. Consider whether exploring the idea of Cat Containment is warranted given the documented community opposition to it.
- c. Ensure that any consultation about Cat Containment is very clear about how this would be done, the likely costs and the affect on the cats themselves.
- d. Ensure that the community is clearly and widely advised that this action of Cat Containment is being considered.
- e. Ask Officers to clarify in detail what Cat Containment would actually be; i.e. netting the whole backyard; extremely high fences, cats only being allowed in runs.
- f. Request Council Officers to strengthen their efforts in relation to actions currently available to them in relation to information, education and compliance around responsible pet ownership, particularly in relation to cats. Council Officers should be asked to report on the success or otherwise of these efforts before Cat Containment, or an extension of the Cat Curfew is considered or actioned.
- g. In relation to the Recommendation before it tonight that Council :  
“approves commencement of community engagement on the draft Domestic Animal Management Plan 2022–26 in March/April 2022’ ; Council defers approval of this consultation until the concerns and issues included in my Submission have been addressed to Council’s satisfaction.

Patricia Smyth

**Item 10.15**  
**Future Leases and Uses for**  
**Higinbotham Hall Precinct**

## 1. Mr Roger Jones

Dear Councillors,

Our predecessor company, The Marilyn Byrn School of Classical Ballet moved into Higinbotham Hall in 1978 changing its name to Brighton Dance Academy in 2000. Since 1978 we have literally taught thousands of Bayside children in multiple disciplines of dance. Indeed, some of our five-year-old students are the third generation of their family to dance at Higinbotham Hall.

A new lease would allow us to expand to two additional studios within the building and broaden our range of activities into singing, acting, choir, and musical theatre. We are currently working on developing more opportunities for boys dance (our current student group is 97% girls) as well as our first Indigenous Dance classes, with an Indigenous teacher. Traditionally we have presented an after-school program however we are looking to increase the range of daytime classes to adults and seniors, in dance, choir, fitness and social events.

We have asked for a progressive growth in rental to meet our planned growth in activity and revenues. This will also ease the challenge of meeting the costs of capital improvements in the first 18 months. After a difficult two years our student numbers are back to the pre-Covid 2019 figures and are growing, so with additional activity I am confident of continued financial viability.

I hope the Council values our contribution to the Arts in Bayside as well as the character development that performing art provides children. Your approval of our lease request will deliver joy to our community's children and happy parents.

Yours sincerely,

Roger Jones

Owner and Director

Brighton Dance Academy

Higinbotham Hall