

MALVERN EAST GROUP

Submission in relation to C175 to State Government Planning Panel.

2nd October 2014

Introductory Statement

Stonnington is a wonderful place to live. It has a varied (often magnificent) housing stock and significant private gardens as well as notable public parks and gardens which function as our “lungs”. Stonnington also enjoys good public transport, enabling residents to travel to work and about their business in a sustainable manner.

It is important that the character of our neighbourhoods is preserved. New developments and additions need to respect the predominant building scale and forms found in the immediate streetscape. This includes controls ranging from those on fences, through to building form and scale, preserving appropriate setbacks, and ensuring the use of respectful design details.

For nine years the Malvern East Group has watched over and sought to protect the amenity and character of the locality in which we live. We have contributed to building community awareness of issues relating to town planning issues relating to urban structure and built form, amenity, landscape character and access and transportation.

Residents are very concerned at the greed of commercial developers... and want institutions like Cabrini to be more mindful of their neighbours.

Stonnington Council is working with the community it represents and services to ensure that this area remains one of the most “liveable” in Melbourne.

We support Council's efforts to ensure that new developments and changes to the built form do not overwhelm the existing character of established neighbourhoods.

MEG has been a supporter of Council's attempts to introduce a Neighbourhood Character Policy (NCP) since 2005. Two of our members worked on the Committee when Council initiated the first policy. We are aware that the previous attempt to introduce such a policy was thwarted by DPCD and finally refused by the Minister for Planning in 2011 after years of procrastination.

The Interface with Commercial Zones

There never seems to be an answer to the problems faced by residents in areas which abut Commercial Zones. More consideration needs to be given to developments in Commercial Zones that abut Residential Zones. We suggest that if the generally accepted notion is that these residents must accept a lower level of amenity than those in areas which don't abut Commercial zones it must also be accepted that developers in the abutting Commercial Zones must expect to be allowed a lower level of development than those in Commercial Zones which do not abut sensitive residential areas. Both parties... the developers and the residents... need to moderate their expectations of profit and levels of amenity in such areas. C175 provides an opportunity to give some protection for the residents in such areas. Overdevelopment has the potential to create a range of impacts on residents such as parking issues, disruptive noise late at night and light pollution

The vested interests of developers

Many residents and local businesses feel that commercial developers are stealing their amenity by building large multi-unit developments which have unsympathetic built form and are of an inappropriately large scale. Many of these developments suffocate their sites with reduced space between buildings and result in vastly reduced landscaping.

We have seen many applications for such developments in Stonnington and have high hopes that the new protocols will create an improved balance between the interests of established residents and commercial self-interest.

Cabrini Hospital

In relation to Cabrini Hospital I understand that the Stonnington Planning Scheme (Clause 21.04-4) addresses the issues relating to the context of commercial and community uses in residential zones. The Scheme attempts to balance ease of community access whilst respecting the preferred character of the area and the amenity of nearby residential areas.

It is crucial that hospitals/large health service facilities/institutions are respectful of the predominantly residential areas in which they are located. They need to accept that they need to be very mindful of the impact of their operation and growth.

Neighbourhood Character Overlays (NCOs)

It is important that the character of our neighbourhoods are preserved. This includes controls ranging from those on fences, through to building form and scale, preserving appropriate setbacks, and ensuring the use of respectful design details.

In an area like Stonnington it is crucial that areas of significant neighbourhood character or those covered by Heritage overlays are protected.

MEG supports the introduction of NCOs in a number of areas. We see this planning tool as an effective strategy to prevent non-contributory development invading areas with significant and identifiable character. We support the fact that this is a specific control to manage preferred Neighbourhood Character.

The Precincts

It is important that the Precinct Statements are included in the Planning Scheme to ensure that the “prescriptions” are mandated.

Much of the documentation for C175 places the areas in the municipality in one of five Garden Precincts There is not always a direct relationship between the Precinct and the Reformed Zones. We support Council’s designation of the residential area around Chadstone Shopping Centre as Garden Suburban 5 Precinct. This area is at constant risk of unacceptable and inappropriate development because of its proximity to the Principal Activity Centre of Chadstone Shopping Centre (CSC). In designating this Garden Precinct Council recognizes that CSC is a ‘stand alone’ (island) Principal Activity Centre in the middle of one and two storey houses with established gardens and regular street tree planting which form attractive avenues in a sensitive area which could very easily be destroyed by the pressure of developers wanting to use CSC as an excuse for rampant development.

Discretionary Issues

We note that in the column *Design Responses* there are a number of discretionary terms such as:-

‘attempt to retain’

‘where possible’

‘should respect’

‘should respond’

'should be'

'should incorporate'

'should provide adequate (?) space'

We have learned from bitter experience that where discretion is required development applicants blithely ignore the *request*, do what they want to do and are invariably supported by VCAT. There is no doubt that they have every right to do this because the relevant policy has no actual requirements. It just has vague 'wishes.'

Responding to community demands to find a way to manage change in residential areas to ensure that the unique characteristics valued by the community are maintained and enhanced the neighbouring municipality of Borondarra has stated the actual requirements of their 75 precincts. The same could be done in Stonnington. Some examples from the documentation relating to the Borondarra precincts use terminology like:-

should avoid

should ensure

disallow

At the very least Stonnington's C175 must delete the vague phrases we have listed above and replace them with *mandatory requirements*. Where there is a phrase such as 'should respond' the method(s) of 'responding' must be outlined. MEG does not presume to be the 'design police' and we recognize that this is not Council's role but if we are to expect that applicants will do more than give this policy more than a casual nod then as a community we need to make it quite clear what is expected.

Landscape Plans

Landscaping, including that of individual gardens and the streetscape, plays a key role in the amenity of any area. The removal of canopy trees and other forms of vegetation and inadequate or inappropriate landscaping around new developments is a major threat to neighbourhood character.

Car access and storage also need to be dealt with sympathetically in terms of the existing streetscape character.

We have believed for some considerable time that Landscape Plans must be included in all Planning Applications and we are encouraged to see this requirement mentioned in C175 but where we have noted this as a *requirement* in the 'Design Response' column the statements supporting it include some of the discretionary and *vague* phrases we have listed above. The effect of this is that the actual requirement for such a plan is immediately watered down. The inclusion of a Landscape Plan in development applications should be mandated.

Neighbourhood Character of Backyards

This particular issue does not appear to have been dealt with in C175. We can find no reference to it and we believe that it should be addressed. Much of the various Garden Precincts have significant landscaping in backyards because earlier housing trends tended to have comparatively small areas in the front of houses. Hence the culture of the traditional Australian 'backyard.'

Even considering current development trends where there is still a backyard there is much activity...vegetable gardens, chicken pens, barbecues under mature plantings of shade trees, general gardening activities and social events. The trend of having these activities in the front yard (or not having them at all) is not prevalent in Melbourne's middle ring suburbs. It follows that it would be a positive action for C175 to include provisions that ensure that backyards are retained.

There are sound environmental, ecological and social reasons for such a policy and it is worthy of attention when considering neighbourhood character as a whole.

Summary:

MEG urges the Panel :-

to incorporate specific and mandatory requirements for the precincts in C175.

to incorporate Landscape Plans as a mandatory requirement for development applications.

to incorporate provisions that protect backyards.

to make it clear that neighbourhood character is not just the streetscape.

Andrew Dixon

For the Malvern East Group