



September 13/2013

**MEG Submission re Amendment C175**

**Local Neighbourhood Character Policy**

### Introductory Statement

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

There never seems to be an answer to the problems faced by residents in areas which abut Commercial 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. We believe that Council should address this matter in a way that provides some protection for the residents in such areas.

### Neighbourhood Character Overlays (NCOs)

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.

We are disappointed that the NCO flagged for the Findon Street precinct in August 2012 has been changed from Findon, Chanak, John & Boardman Streets to now include only John and Boardman streets. (See Attachment to Council Notice Paper Aug. 19/13). Council's website re C175 reiterates the proposal outlined in Notice Paper August 2012.

We acknowledge that John & Boardman Streets are of a more even character than Findon and Chanak and are under a greater threat of non-contributory development because of the interface with a Commercial Zone than Chanak & Findon but this does not invalidate the fact that Council outlined in 2012 that in the entire Findon St. Precinct there is a:-

“a significant Neighbourhood Character due to the high number of intact buildings of the Victorian, Edwardian and Interwar periods and a consistency of single storey building scale, pitched roofs, use of materials, architectural

detailing, siting and garden settings.”

We believe that the original proposal for this area as set out in Attachment 1 of Council Notice Paper August 27/2012 and on the website is sufficient reason for an NCO for the 4 streets and request that Council includes the original proposal in C175.

### The Precincts

So much of the documentation for C175 places the municipality in one of 5 Garden Precincts that we are not sure how Council will relate each Precinct to 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 CSC. In designating this Garden Precinct Council recognizes that CSC is a ‘stand alone’ (island) Principal Activity Centre in the middle of one & 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 is 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.’

The neighbouring municipality of Borondarra has remedied this situation by stating the actual requirements of their 75 precincts and Stonnington could do the same. At the very least Stonnington 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 tell them what we expect.

### Landscape Plans

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 *vague* phrases we have listed. The effect of this is that the actual requirement for such a plan is

immediately watered down. Council must demand the inclusion of a Landscape Plan in development applications.

### **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 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 Council to insert a 'backyard policy' into C175.

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 Council :-**

- to adopt specific and mandatory requirements in C175.**
- to have a Landscape Plan as a mandatory requirement for development applications.**
- to include the Findon St. Precinct as an NCO.**
- to adopt a 'backyard policy' and include it in C175.**
- to make it clear in C175 that neighbourhood character is not just the streetscape.**

Finally when C175 comes to a Council Meeting we hope to see in the Council Notice Paper some supporting statements for at least some of our suggestions rather than that demoralizing comment in the final column. "No change."

**Ann Reid (MEG Convenor)**