



# Malvern East Group

## MEG Supports *PLANNING BACKLASH*

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## MEG SUBMISSION CHADSTONE SHOPPING CENTRE AMENDMENT C154

### Preliminary Statement

From discussions we have had with MEG members who live around Chadstone Shopping Centre (CSC) it is clear that confusion surrounds this application for a Planning Scheme Amendment. Unlike the 2005 Amendment which was accompanied by a Planning Application against which residents could assess the envelope Amendment C154 has no Planning Application and because the proponents want flexibility within the 2 excessive envelopes residents are unable to accurately assess the extent of the inevitable material detriment to the residential area.

Clearly the proponents seek to exclude third party rights or, at the very least, water them down. CSC is privately-owned land and development on this site should be treated in the same way any privately-owned land is...i.e. third party rights operate unless the Minister interferes. We will enlarge on this issue in a sub-section of this submission.

At the meeting of Focus Groups on Feb. 15 the Urbis representative reminded us that Chadstone Shopping Centre is a Principal Activity Centre with all the implications regarding development...i.e. that Principal Activity Centres are where the Government wants office, retail and residential development. She omitted to mention that unlike Stonnington's other Principal Activity Centre (Chapel St. Prahran/Sth Yarra) Chadstone is a privately-owned, "stand alone" car-based centre situated in the heart of a one and two storey residential area which is clearly separated from the business activity.

With the residents, Stonnington C.C. has worked hard to retain the existing neighbourhood character. VCAT, too, has supported the retention of the one and two storey nature of the area. ... In *Axtrim v Stonnington* (Dec. 2010...11-15 Chadstone Rd.) Council's Urban Designer submitted that,

"Over a long period of time, considerable effort has been applied to the planning and design of the interfaces of the Chadstone Shopping Centre complex in order to preserve, as far as possible, the atmosphere and character of the immediately adjacent residential streets."

In the same case, in expounding on his Refusal to Grant a Permit for a 3 storey building in Chadstone Rd., Member Bennett said,

'compared with other activity centres (whether Principal or Major) it is unusual, and indeed surprising, to have retained such a **clear physical and functional demarcation** between the activity centre and the surrounding residential area.'

All stakeholders need to remember this **clear physical and functional demarcation** and Council, in its consideration of the Amendment, should note that the excessive increase in the building envelope sought by the applicants has the very real potential to become a benchmark for future development in the surrounding Res.1 area. This cannot be supported. The uniqueness of the present situation in the residential area must be retained and the application for such an increase in the Business 1 Zone must be treated with caution.

We acknowledge that if this proposal proceeds as indicated that a number of jobs will be created and job creation is always a plus for the community however the nature of these jobs needs attention. In the main they will be low-paid cleaners, waiters, kitchen hands, shop assistants, etc. Often people in these jobs tend to be casual workers being paid casual rates with no benefits such as holiday pay and the possible employment situation falls short of providing meaningful and sustainable employment in the long term. It's good news for students. We're not convinced it's great news for people wanting careers.

In Council's Notice Paper Dec.5/11 the report on the Amendment notes the abysmal lack of information re traffic & parking impacts, noise impacts and economic impacts on other shopping centres in and around the municipality.

### **Re-zoning of 2-4 Chadstone Rd.**

We were assured by Urbis on February 1/12 that the residence on this site will not be demolished. There is no indication that this assurance is 'cast in stone' and that the residence will **never** be demolished. The rezoning, we are told, is required so that the applicant can use a **part** of the site for a slip lane on Chadstone Rd. to enlarge the access to the Shopping Centre.

MEG believes that this re-zoning must be vigorously opposed. It is an unacceptable intrusion into the Res.1 area and creates a totally unacceptable precedent. It is bringing the "stand alone" Activity Centre into the clearly defined residential area and can be seen as the 'thin edge of the wedge.' If permitted, it allows the applicants to have their other real estate acquisitions in the vicinity of the Centre to be re-zoned so that, slowly but surely, **the physical and functional demarcation** between the "stand alone" Activity Centre and Res.1 will be eroded. Added to this, Council's efforts regarding the planning and design of the interfaces with the shopping centre in order to preserve the 'atmosphere and character' of the immediately adjacent residential streets' will have been wasted and the integrity of the neighbourhood character compromised.

### **Removal of the Chadstone Rd. Curfew**

There is a lack of justification for the removal of this curfew. Its removal would result in an extra 160 car movements on Chadstone Rd. between midnight and 6a.m. According to Council's Notice Paper of Dec.5/11 the traffic and parking survey was conducted over a period of only 2 days. This is hardly sufficient time to provide adequate information but based on these figures there is clearly no evidence to support the removal of the curfew. The survey indicates that there is an added disadvantage to residents and almost no advantage to the applicants.

Acoustic modeling seems to be equally inadequate. URBIS states on P.22 of its document. ***Based on this analysis, the removal of the Chadstone Rd. curfew is not expected to significantly alter the existing night-time noise amenity enjoyed by residents in Rangeview Av. and Chadstone Rd.*** What does ***significantly alter*** mean? And what do they mean by '***enjoyed?***'

Added to that the applicants expect a 1% reduction in traffic distribution in Chadstone Rd. It follows that the curfew must remain. The applicant offers is no reason to alter existing conditions.

### **Retrospectivity with Regard to Car Parking Dispensation**

Any form of retrospectivity inevitably favours applicants and MEG views such requests with great suspicion. There are several streets around Chadstone that do not have Permit Only parking (not that Permit Only parking stops shoppers from parking in those areas to the great disadvantage of residents.) To allow a retrospective reduction from 6.5 to 6.2 car spaces means that, as the Centre grows, to what extent only the applicants know, there will be more and more pressure on surrounding streets. With buses being the only form of public transport to be considered and shoppers disinclined to use those to "take home the groceries" and with only one extra bus bay proposed, the need for an appropriate number of car spaces is obvious. The Public Transport Users' Group has urged Government not to sign off on this Amendment until other options for public transport have been explored. We suggest that the applicant funds feasibility studies for train/tram/light rail connections to the Centre.

Further to this, we refer again to Council's Notice Paper of Dec.5/11. On P.107 it is stated that,

There is inadequate information on which to assess the traffic and parking impacts at this stage (the information is derived from surveys over just two days).

It is feasible for the applicants to adopt a system re car parking similar to the arrangement at Victoria Gardens Shopping Centre...i.e. make x hours free and impose a charge for subsequent time spent in the car park. We note that some areas of car parking at Chadstone have time limits but these are not monitored. The owners could start monitoring their own system.

### **"Open Cheque" Request from the Applicant**

In Attachment 1 of the Notice Paper of Dec.5/11 it is indicated that the applicants wish to have **clarified** Amendment of Clause 22.11.3 the R.A.'s discretion to assess the extent of any display of an application for public comment that is generally in accordance with the Incorporated Plan. According to the applicant, this **will ensure that small scale developments are not unduly delayed or hindered and that proper attention is given to significant developments.**

In Clause 22-11-3 a significant change the applicant wishes to be made is that the R.A. **may** display the application for public comment rather than **will** display it. In that sentence the applicants makes it quite clear that it is their wish that public comment on their developments be excluded from due process. MEG is totally opposed to this. It is MEG's contention that ALL applications must be advertised and dealt with in the same orderly fashion with which other planning applications in Stonnington are dealt.

With regard to the entire Clause 22-11 MEG urges Council to retain the existing document. It is established procedure that functions with due regard to residents' rights.

### **Excessive Increase in the Building Envelope to the North and South**

It is MEG's understanding that the existing envelope has not yet been fully developed. The extension to what doesn't actually exist yet is bewildering. The proposed extension is, of course, totally unacceptable. The applicants have not produced profiles of the building(s) they propose somewhere along the 400m length of the envelope on the Princes Highway. It follows that if approval is given for the extension of the building envelope the authorities will be giving approval for something about which they know nothing. So far we have indications only that there might be a hotel of somewhere between 10 and 14 storeys and there might be an office building of roughly the same height with 550 car spaces in basement car-parking somewhere along the Princes Highway but as there are no actual plans for anything the 'open cheque' request must be denied. The applicants must present some specifics.

On the northern side of the Centre the proposed building envelope allows for buildings which will be excessively visually dominating in an essentially low-scale residential area. Re-development of the northern part increasing the building heights by up to 15m at some points, increases the building bulk close to some residences on Midlothian St., Chapman St. and Virginia Grove and the outdoor terrace/dining area poses a further detriment to residential amenity. No mention has been made of heat impacts caused by the large north-facing structure being only 16m from houses.

On Feb.16 an Urbis representative explained that all businesses in the northern extension will operate within EPA regulations and if they don't residents can take the appropriate action. Does Urbis have any idea of the difficulties encountered by residents in making complaints about excessive noise and in getting the authorities to do anything about it? Clearly not.

It was evident from comments made at the Focus Group Meetings by residents that the owners of Chadstone have a poor record in dealing satisfactorily with issues of residential amenity. On Feb.16 an Urbis representative apologised for this and promised to do better. MEG wonders if residents can rely on such promises.

### **How the Applicants Can Become Good Corporate Citizens**

MEG has a vision of Chadstone becoming the centre of 'green' generation of electricity by the applicants putting solar panels on every available roof space. The car parks could be roofed and covered with solar panels. This would be of great benefit to the whole community of Stonnington.

Within the Centre all toilets should be dual flush (and working as such), the taps should be "on/off"...i.e. the water doesn't start running until hands are under the taps and it switches off after 30 seconds (See Malvern Central)

The toilet areas could be CLEAN...something that is a rare occurrence now.

More than one underground tank for re-cycling could be provided so that the Centre becomes self-sufficient with regard to water usage. There is an identified drainage problem downstream from the Centre. In Council Notice Paper Feb.6/12 on P.104 it is noted that the Melbourne Water main drain from the Chadstone Shopping Centre and surrounds causes flooding in Millewa Av. Melbourne Water and the applicants need to resolve this.

MEG acknowledges that the landscaping at Chadstone is superior to the landscaping in other such Shopping Centres but we believe it could be better by having canopy trees strategically placed throughout the site. We suggest that staff at the Burnley Campus of Melbourne University be consulted regarding the planting of **pollution-absorbing trees**.

### **Developer Contribution to Council**

There are various ways of benefiting the community around this Centre from developer contribution. The Phoenix Park Community Centre and Library have resulted from contributions from the Gandel Group some years ago.

MEG makes the following suggestions to Council:-

(a) The Reg Hunt Site could be purchased from Becton and incorporated into the Urban Forest. Malvern East Pty Ltd. received a Permit for a high-rise building on this site in 2004 and immediately put it on the market. Some years later Becton bought it and lodged an application for a high-rise Retirement Village. Becton has not acted upon the Permit it received in 2008 and the site has remained empty (except for the weeds) since Reg Hunt Motors vacated it prior to 2004.

(b) Purchase 11-15 Chadstone Rd. from Holmesglen and create a 'pocket park' similar to Woodlands Park on the eastern side of the Centre.

(c) Re-furbish Council buildings on the Bowen St. site and make them available for Community use.

### **Summary of MEG's Position**

- 1...Planning Application to be submitted with the Amendment.
- 2...Refusal of re-zoning to Bus.1 of 2-4 Chadstone Rd.
- 3...Retention of the Chadstone Rd. curfew.
- 4...No retrospectivity with regard to car park dispensation.
- 5...No changes to Clause 22-11.
- 6...Request for increases to the building envelope is excessive.
- 7...Suggestions re how the applicants can benefit the community.
- 8...Suggestions for Council on use of expected developer contribution.

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