



Malvern East Group

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Submission to Panel re Amendment C173

Introduction

As we said in our submission to Council re Amendment C173 we support this attempt to have mandatory height controls (or even *preferred* height controls) in the area from Bates St. to Tooronga Rd. Any attempt by Council to put into practice the Objective of Schedule 9 is supported by residents.... ***to protect existing residential areas from unreasonable loss of amenity*** and any attempt by planning authorities to meet the objective of State Government in VC75 is also supported by residents ...***to protect established residential areas.***

Our submission is based on support of these two objectives, one from Council and the second from State Government in 2011. In basing our submission on the protection of the residential interface we acknowledge the primary role of a Business 2 Zone is to provide commercial opportunities which will not result in an adverse imposition on the residential area, particularly when this is combined with a reasonable amount of housing. We also recognise State Government's objective of providing jobs in Business Zones so that people have opportunities to "live, work and play" in such areas without having to travel long distances from home to work.

In the Bates to Boardman area (Precinct B) Council has indicated a preference for 25m (8 storeys) with setbacks to provide some protection for the interface of the Gascoigne Estate residents. The precedent has been set at 7 storeys with the indicated setbacks and we would (albeit reluctantly) accept 7 storeys.

Regarding Precinct A (Boardman St. to Tooronga Rd.) we have noted all of the arguments which assert that this area is part of the Caulfield Major Activity Centre. We heard these arguments from applicants in Precinct B and now we note the same arguments being used in this precinct. MEG believes that this area is clearly **not** related to CMAC as noted below:

1. We refer to Council Notice Paper June 3/2013. The Statutory Planner's Report on an application for an 18 storey tower at 781-805 & 807 Dandenong Rd. stated...***mid-higher development along Dandenong Rd. (should be) designed to avoid overwhelming John & Boardman Sts.***
2. The relationship of the area from 781-823 Dandenong Rd. where Council has not requested even a **preferred** height and that of the neighbouring municipality of Glen Eira is a 'chalk and cheese' situation...i.e. there is **no** relationship whatsoever. Council's Urban

Designer says in his report on the 18 storey proposal ...”...**this major road demarcates two quite different geographic areas.**”

3. In Stonnington’s MSS Cl.21.01-2 (Strategic Planning) this area is designated as a Neighbourhood Activity Centre (Small)...i.e. a **Group 4 Activity Centre**. (Cl.21.04) This Gr.4 Centre is clearly **not** part of the Caulfield Major Activity Centre. The Panel report on C75 states...

We consider that were it not for municipal boundaries, the western section of the amendment area would have been addressed as part of the Caulfield Activity Centre planning.

This was re-iterated by VCAT in *Nelrup Pty. Ltd. & Ors v Stonnington (Dec. 16/2010)* re 857 Dandenong Rd.. That case resulted in a Permit for 7 storeys and set a precedent for the area from Bates St. to Boardman St.

We request that this Panel considers C173 in the light of the fact that a previous Panel has indicated a clear distinction between the Stonnington area to the north of Dandenong Rd. and the area to the south of Dandenong Rd. in Glen Eira. In Stonnington the area must be considered as a Local Neighbourhood Activity Centre with regard to acceptable height limits at the residential interface.

Also relevant is Council’s Refusal to issue a NOD for 781-805 & 807 Dandenong Rd. which includes the following points:-

The height, scale, massing and design of the tower element **is inconsistent with the scale of the surrounding buildings and will produce a poor urban design outcome.**

The proposal in **height and scale and fails to provide an appropriate amenity response to its surrounding properties.**

So, Council declares that 18 storeys is too high but in its case re C173 offers no suggestions for a preferred height in this area. This results in a dilemma. Clearly Statutory Planning will not accept 18 storeys and nor will Councillors but Strategic Planning proposes no limits.

In the Attachment to Council Notice Paper (April 22/2013) Council states that its aim is to:-

To ensure buildings have a scale and form that is appropriate for their streetscape context **and residential interface.**

We recognise the difficulty inherent in the “interface” situation however the long-established residential area to the north of the proposed Amendment has a high degree of Neighbourhood Character significance. This is acknowledged by Council through its almost completed NCO for Clarence St. and its flagged NCO for Findon, Chanak and John Sts. and to the north of these streets the large Heritage Overlay of the Gascoigne Estate. It follows that special consideration should be given to protect the Neighbourhood Character and residential amenity at the interface. A height limit for the Business 2 strip along Dandenong Rd. in Precinct A would assist in achieving this. Council supports this in its design objective for the DDO...

To ensure buildings have a scale and form that is appropriate for their streetscape

context and **residential interface**.

This has been applied to a limited degree in Precinct B but not at all to a large section of Precinct A. In Precinct B all of us are constrained by the 6 and 7 storey precedents and we accept the suggested height of 6 storeys for the corners of Precinct A. It is the area between those corners which the Amendment should address in terms of height limits and in our submission to Council re C173 we proposed a tower height limit of 10 storeys for this area. We prefer 8 storeys but think that the 10 storeys we proposed is probably more realistic.

The 10 storeys should only be along the strip on Dandenong Rd. and any buildings to the north of that strip should be layered back to no more than 3 storeys in order to address the issues involved with protection of the residential interface.

We support the request of our members who recognise the fact that they are at the interface of Business and Residential Zones but want a “gentle transition” from one zone to the other.

Ann Reid (MEG Convenor) George Mackey (Co-Convenor)