



Malvern East Group

MEG Supports *PLANNING BACKLASH*

C/- 14 Chanak Street,

Malvern East Vic 3145

Phone/Fax 9572 3205

Email meg@chezsamuel.com

Web <http://www.chezsamuel.com/meghome.php>

February 20/2013

Submission re Amendment C173

Introduction

We applaud the fact that Council is making a third attempt to achieve some mandatory height limits in the area from Bates St. to Tooronga Rd. and delighted to see in the Objectives of Schedule 9 to the Design and Development Overlay that Council wishes ...

To protect existing residential areas from unreasonable loss of amenity.

We are disappointed that previous efforts have been refused by successive Planning Ministers and are devastated that there is an application for an 18 storey development with 325 apartments, 3 retail components and 380 car spaces at 781-805&807 Dandenong Rd. which incorporates the site of the Fitness First Gym and the single storey house to the east of the gym. This is an area where Council does not propose any height limits.

Objective

We believe that Council's primary purpose in preparing this Amendment is **protection of the residential interface in particular and the wider residential area** and we support this wholeheartedly. We understand that protecting the interface always presents added difficulty in attempting to achieve the aim specified in Schedule 9...i.e. *to protect existing residential areas from unreasonable loss of amenity*. We also understand that Council is 'between a rock and a hard place' in having to follow the planning documents of the previous Government which impose a 'development at any price' policy on the shoulders of Local Government and we understand that site yield (planning by arithmetic) is the sole aim of developers.

Bates to Boardman Sts.

We are aware that the suggested height limit for this area along Dandenong Rd. was 4 storeys and that Council's present position is a limit of 8 storeys. At one of the 2 recent Information Sessions we attended we heard a representative from the consultants say that Council suggested 8 storeys because there were two 8 storey permits in the area...one at 857 Dandenong Rd. and one at 875-879 Dandenong Rd. This was an error. The Permits are for 7 storey developments and in the documentation from the consultants it is stated that these are 7 storeys. It follows that the Amendment should request that the limit be what the precedent is...7 storeys. The suggestion that it may be easier to design an 8 storey building with specified setbacks at the indicated levels rather than a 7 storey building is an irrelevant consideration as far as we are concerned. Our foremost consideration is to protect the existing residential area prior to considering efficient use of available commercial land and we believe that this should be Council's primary objective as stated in Schedule 9. Indeed Council's actions in placing a Neighbourhood Character Overlay on Findon, Chanak and John Sts. and a similar overlay on Clarence St. indicates that this is a primary objective.

We are in total agreement with Council that the setback from any lane along the area should be a minimum of 3m and, though we are aware that architects tend to abhor the ‘wedding cake’ effect of setbacks at every level, we believe that this is an appropriate way to take the worst of the impact off the immediate residential area to the north.

Car access to new developments

Council’s policy regarding car access in Schedule 9 (p5 of 8)

Take vehicle access from the rear lane where possible and avoid vehicle access from Dandenong Rd.

MEG is not sure **how** Council proposes to do **both**. We are sure that vehicle access from Dandenong Rd. is always possible and we believe that this is what should be in the Amendment.

MEG supported residents at both VCAT hearings re the previously mentioned developments and the VCAT decision took the car access off St. John’s Lane and on to Clarence St. for 857 Dandenong Rd. VCAT would not take the car access away from the rear with 875-879 and residents were not supported by Council when they presented a strong case for Dandenong Rd. access. The result of this was that all car access for this development will be on St. John’s Lane... over 400 car movements a day on a bluestone lane with 4 abutting residences. This will be a nightmare for residents and is a scenario that should never be repeated.

In Stonnington Council’s Planning Scheme with reference to the Bates to Boardman Sts. it is stated in the Bates St. to Boardman St. section that ***...Development should incorporate screen landscaping within the northern setback.***

This is a worthy requirement and MEG supports it but we are more than a little bewildered as to how Council intends to incorporate both screen landscaping **and** car access when it is also stated in the same paper...***vehicle access and other services cabinets should be located at the rear.***

It seems to us that Council is establishing a case for all car access to be from Dandenong Rd. and this should be clearly stated.

Re Boardman to Bates St., MEG supports...

A 7 storey height limit contrary to Council’s suggested 8 storeys.

3m setbacks from rear lanes.

no car access from rear lanes for new developments.

screening landscaping in the 3m setbacks required for new developments.

Boardman St. to Tooronga Rd.

Council has proposed a Neighbour Character Overlay for Findon, Chanak & John Sts. and we support this though we understand the sheer difficulty inherent in trying to protect John St. in particular from unreasonable loss of amenity. (The key to that lies in one’s definition of ‘unreasonable’ and we are sure that residents, Council, VCAT and Government would have quite disparate definitions.)

We do not agree with the 3m front setback for the properties 6 to 12 John St. The setback should remain as it is. The setback adjacent to these properties should align with these houses for a distance of 10m to avoid the ‘boxed-in’ effect.

Council’s proposal for a 6 storey mandatory height limit at the Boardman St. corner and Tooronga Rd. corner of this large area is acceptable though how it will prevent a detrimental effect on John St. residents is beyond our imagination. The lack of a proposed mandatory height limit for the major part of the site is unacceptable to us. In saying that, we understand completely that this is a major highway, that height limits have been refused on two previous occasions **but** to leave this wide

open for **any** height limit is entirely unacceptable. To even think that the existing 18 storey proposal (which has a similar architectural style to drawings on a Design Suggestion page in the David Lock document) in this section of Dandenong Rd. will not have a totally unreasonable impact on John & Boardman Sts. is a nonsense. It follows that without a reasonable height limit Council is not meeting its stated Objective in Schedule 9.

The proposed 18 storeys with 3 retail tenancies, 325 apartments and 380 car spaces has to have a seriously detrimental impact on the entire residential area to the north which Council seeks to protect from 'unreasonable' detrimental impact and even if objectors to this application succeed in having it refused in our experience it will be only marginally reduced...and that's only one planning application. No doubt there will be more. We believe that Council has to seriously consider preparing a case for a mandatory height limit of **10 storeys** which is commensurate with the Monash University building to the east of the site in Glen Eira.

Re Boardman to Tooronga MEG supports...

A 6 storey height limit on the corner sites...i.e. Boardman/Dandenong and Dandenong/ Tooronga.

ResCode Standard B17 for the residential area on the southern side of John St.

A 10 storey height limit along Dandenong Rd. between the 2 corner sites, contrary to Council's suggestion of 'no height limit.'

Summary

In general MEG supports Council's position. We differ on two major issues regarding height...i.e. that Bates to Boardman should adhere to the precedent already set and have a 7 storey height limit and that the indicated area on Dandenong Rd. between the 2 corner sites has a height limit of 10 storeys.

Ann Reid (MEG Convenor)