



# Malvern East Group

## MEG Supports *PLANNING BACKLASH*

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### MEG Submission...Review of the Planning Scheme....March 2018

#### Introduction

In the following submission MEG has commented on these issues...

Residential Development Densities,  
Reduced Public Housing  
Open Space,  
Heritage & Neighbourhood Character  
Trees.

#### Residential Development Densities.

We understand that Council has little or no control over these issues and with the recent paper "Reforming the Victorian Planning Provisions" there is a further reduction of the rights of Councils and residents. It's called "Smart Planning" and it is 'smart' for the developer and not for the residents and it is strongly supported by the Property Council! The final document has not yet been released as DELWP was inundated with submissions when the residents' groups heard about the proposals.

Given that, MEG refers you to an issue with C173. We request that part of that Amendment be reviewed in the light of the adverse impact on residential amenity that has resulted from the "no height limit" in the section of the Small Neighbourhood Activity Centre of Dandenong Rd. from Tooronga Rd. to Boardman St. Because Council supported "no height limit" in that section residents have an 18 storey development (as yet unfinished) 'bang up' against single storey homes. There are 2 other sites in that section of the Activity Centre. If the "no height limit" remains the entire residential area to the north will become a 'walled in' precinct far worse than the section from Clarence to Finch where at least a lane exists between the 8 storey 'wall' of buildings in Dandenong Rd. and residences to the north.

We are aware that the issue of "protecting the residential interface" is one that can never be addressed to the satisfaction of residents but the above issue is far more than just that. It is a travesty of "good planning."

#### Reduced Public Housing

We are deeply concerned about State Government's proposal to sell the land on the Public Housing estates to developers in a private/public arrangement and with a net loss in the number of public housing units and also a loss in the number of bedrooms for public housing. We are aware that Council has presented a submission to the Parliamentary Enquiry on this matter but it is our understanding that the community of Stonnington knows

little or nothing about the issue. Much publicity has been directed to the Markham Estate in Boroondara but little or none to our own situation. Council could commence an advertising program letting the community know what has happened, what stage the Government has reached in this abhorrent process and making suggestions about how the churches, the charitable foundations, community organisations, residents' groups etc. can counteract the sale of these valuable community assets to developers.

Finally, we support the Panel's suggestion in C223 for a Master Plan for Cabrini Hospital. We support Council's comment to the Panel that Cabrini has had very little consideration for the residential area in which it resides and we would hope that a Master Plan would address this. Given the number of Secondary Consent amendments Chadstone Shopping Centre has we wonder at the value of the IPO on that site. We suggest that an IPO on Cabrini is able to restrain the Cabrini Board from overstepping their perceived limitations of the plan.

### **Open Space**

We acknowledge that in the area of the old City of Prahran the lack of "open space" per capita has been a problem for decades and we support Council's attempts to address this deficiency. We also acknowledge that with amalgamation of Prahran & Malvern cities Stonnington has the second least amount of POS per capita with the neighbouring municipality of Glen Eira having the least.

On p.8 of the Draft Review of the Planning Scheme

*'Council acknowledges the need for a regional approach in open space.'*

In order to support this statement we think that at some stage Council would have taken part in deliberations regarding the **54 hectares of Crown Land** at the Caulfield Racecourse Reserve given its proximity to Stonnington and its accessibility from Stonnington. After a scathing review by the Auditor General in 2014 regarding the MRC's management of this Reserve, State Government has finally taken some action and Minister d'Ambrosia announced in August 2017 that a new Trust would be appointed and new legislation would be enacted. The Act with amendments was passed in November 2017 and nominations to the Trust were requested. Nominations closed on Jan 31/2018. MEG does not know who comprises the new Trust but it is our understanding that Stonnington Council has **never** become involved in anything to do with the potential use of this **54 hectares of Crown Land** on our doorstep.

MEG suggests that in keeping with its expressed wish to have "open space" on a regional basis Council makes contact with the Minister and requests representation on the new Trust. MEG has suggested that the Trust follows the example set by the VRC for Flemington Racecourse and develops plans for community use of the inner part of the Reserve. Council representation on the Trust could support this initiative.

Within our own municipal boundary we believe that Council must review existing arrangements between Malvern Primary School and Penpraze Park. Given the fact that no member of the public is permitted access to any part of this Council-owned park from 8.30-4.30 on any school day we suggest that it is misleading to list this park as part of our "open space." We would suggest that it is a "net loss" of open space and "Parks and Leisure Australia" indicate in the "Open Space Planning and Design Guide" that ...

*“a no net loss policy’ for the provision of open space is a sound policy position for local government to consider so that open space is preserved for future generations.”*

On pp19-20 of the Draft there is reference to the indoor sports stadium....  
*“late October 2017 Council adopted the recommendation to undertake further feasibility work into a new multi-court indoor stadium. The Council-owned site on Chadstone Rd. is planned to incorporate a range of indoor sports such as bowls and tennis. **IF BUILT** the facility will respond to a lack of active indoor sports facilities in the municipality.”*

**Queries**....Is this stadium really intended for BOWLS? TENNIS? Does Council propose that these sports which are currently outdoor sports at the Council-owned Park become *indoor sports*? It is our understanding that the stadium” **IF BUILT**” will be used for netball and basketball and that it will be built on the current site of the Chadstone Bowls Club and that the Chadstone Bowls Club will be built on another part of the ‘open space’ of the Park contrary to Council policy which deprecates the use of scarce ‘open space’ for buildings.

In “*OPEN SPACE PLANNING AND DESIGN*” published by Parks and Leisure Australia reference is made on p.12 to the.....  
.....“*delivery of certain types of open space. Councils may enter into partnerships with .....other organisations, including **private providers, neighbouring councils and State Government.***”

MEG is aware of 3 areas of “open space” that are privately owned. Behind the Como Centre with access from the Centre and River St. there is a large area for passive recreation. In the centre of the developments on the block bounded by Chapel, Alexandra Av., River and Malcolm Sts. there are 2 areas of “open space.” The River St. entrance to one of them is opposite Victoria St. and according to the Permit (see Council archives) was available to the public during the day till 6p.m. The gate has been locked for a number of years and we believe this contravenes conditions of the Planning Permit. Access from Malcolm St. now has a sign that says “Residents Only. In 2017 MEG gave the Google maps of these areas to the General Manager of Planning & Amenity.  
A fourth area of privately-owned “open space” available to the public for passive recreation is 30% of the land on the LendLease site at 590 Orrong Rd.

The community in general is not aware of these spaces which are available for passive recreation and Council should remedy this by letting the community know through its regular publications.

We have a special request re up-grading of any section of any Council-owned ‘public open space.’ We ask that no artificial turf be used for the up-grading (so-called) of any facility. We are aware that this is used by Council and a number of schools in the municipality. We have been advised by none other than ‘tree advocate’ Dr. Greg Moore of Melbourne University that artificial turf contains carcinogens. Further to that, his comment when he sees it at schools is “they’re cooking the kids.” If it can “cook the kids” it can also “cook the adults.”

## **Heritage and Neighbourhood Character**

We support Council's efforts to recognise the Heritage value of particular buildings and areas and acknowledge the amount of work that is involved in the preparation and submission of such Amendments.

MEG members have suggested that money should be diverted from the contentious issue of 'the stadium' to the pressing need of preserving our heritage. Once that's gone it's gone forever. \$36 million would save a lot of our history which should be saved. The prevailing opinion is that Council should get its priorities right.

Supporting the retention of Neighbourhood Character is an even more difficult and onerous task given the rapidly changing nature of each neighbourhood and the ever-changing instructions from successive Planning Ministers. The very nature of existing State Government policy regarding the number of dwellings on a site in an NRZ, for example, leaves virtually no way to retain significant vegetation and limited space for the ubiquitous 'replacement trees.'

We support the creation of NCOs and suggest that the limitations to developments and upgrades /alterations of dwellings imposed by such overlays be more specific and we cite the example of 1 Hughes St. Malvern East as one simple application that took 7 months for Pl.Dept. to decide on a compliant side setback.

## **Trees**

Meg supports the policy outlined in Council Notice Paper March 5/2018 for the maintaining and extending of our Urban Forest. The provision of a substantial bond by the developer for every significant tree on site is to be applauded and we suggest that the amount per tree be in the order of \$100,000. There is, of course, the difficulty in policing each site. Prior to even lodging an application we have known of the slow poisoning of trees. We have heard of the "copper nail" treatment. We have heard of the 'late afternoon' slip of the chainsaw. How Council can cope with these situations is a mystery to us.

We suggest that Council stop its present practice of identifying 'significant trees' on site, informing the owner that they must be retained and then when an application to destroy them appears the owner is given permission to destroy with the proviso that replacement trees are planted. How is this practice policed? How large are the replacement trees? How useful are the replacement trees in fulfilling all of the purposes of trees? (See 11 Chanak St. Malvern East as an example of "order to retain" and subsequent "permission to destroy")

Our answer to this is that developers must design buildings AROUND the significant trees and that Council develop a policy that supports such design initiatives. It is vital that Council develop policy and programs to educate developers and the community in general of society's **need for trees.**

The systematic destruction of hundreds of trees by State Government has dire consequences for citizens of Melbourne in terms of the inevitable lack of pollution-absorbing vegetation, the ability of trees to shield us from the heat effect, the calming effect

of “green” which contributes to mental health...the list is endless. It is detrimental to society for governments, developers and members of the community to indulge in such environmental damage.

Stonnington used to have an Urban Design Award. (*We believe that it was discontinued because the ‘designs’ being presented to Council were so awful that nothing deserved an award.*) Perhaps this could be resurrected in a package that would be attractive to developers and the community the presentation of such an award could be one of Council’s ‘social events’ of the year.

For such an award Council could give priority to designs that incorporate existing canopy trees in imaginative designs. Through appropriate advertising this could become a prestigious event.

MEG Committee