

**Submission on Proposed Planning  
Scheme Amendment C25  
and Development Plan for  
Chicquita Park**

**Submitted by:**

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**On behalf of the Friends of Chicquita Park**

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## **Executive summary**

This submission has been compiled by Committee Members of the Friends of Chicquita Park (FOCP) and represents the culmination of years of community consultation and discussion. The Friends of Chicquita Park is a non-political community organization established to protect Chicquita Park from development and in the long term to care for its ecologically significant vegetation. It has a membership of several hundred.

This Submission effectively consists of two parts. The first makes the case on planning grounds, and recognising the arguments of all the planning agencies involved with Chicquita Park, that there are no sound planning reasons for Chicquita Park to be developed. It needs to be acknowledged by the Planning Authority that any decision to allow development of the site is not a decision based on planning merit. The planning argument has already been decided in favour of the Park's retention. The process is now being driven by a reluctance on the part of the Planning Authority and the State Government to defend good planning practice in relation to this valuable open space.

The second part reluctantly makes the argument that if the park is not to be acquired in full, a substantially better outcome than that envisaged in the draft Development Plan can be attained with selective acquisition of more space, better design of the open space areas and more effective controls. It must be emphasised, however, that the Friends still believe that sound planning practice demands the preservation of the whole park.

The third part presents our conclusions and recommendations.

The Friends of Chicquita Park opposes the Planning Scheme Amendment that seeks to zone Chicquita Park to Residential 3 and advocates that a Public Park and Recreation Zone be imposed on the entirety of the site. All of the independent planning processes that have considered the case so far have reached this conclusion.

At a time when the municipality has adequate funds and is due to pay off the municipal debt some years ahead of plan, acquisition could be funded by utilising

some of the millions of dollars in developer contributions we believe the City has received in years past for precisely this kind of purpose. In addition, acquisition could be funded by:

- such contributions expected to be received over the next few years, for instance from the proposed Nylex site development.
- funds received from the sale of properties acquired as developer contributions,
- offsets in respect of properties acquired from developer contributions but not used or needed for public open space (or proceeds from the sale of such properties).
- Funds freed up by State Government for this purchase, by agreeing to pay for Council's contribution to the foreshore pipes removal.

Council has shown a willingness to purchase properties elsewhere in the municipality for open space and should do likewise at Chicquita Park.

Failing this, FOCP advocates that a significant majority of the park be made subject to a Public Park and Recreation Zone with the remaining being subject to a Residential zoning. At the very least, all parts of the land that are to remain as public open space should be subjected to a Public Park and Recreation Zone.

## **Part 1: the planning case for the preservation of Chicquita Park.**

It should be noted that the arguments put by the Friends of Chicquita Park to the Independent Planning Panel established to consider the original Amendment C25 were almost all substantiated. Nothing has changed in the intervening time to negate any of these arguments. The Friends therefore resubmit, together with this Submission, their previous written Submission to the Panel, as well as the text of the presentation to the Panel on behalf of the Friends of Chicquita Park by Barrister Adrian Finanzio. These documents together form our submission to Council on the proposed Planning Scheme Amendment C25 and Development Plan for Chicquita Park and should be read together.

### **1.1** In our submission to the Independent Panel in April 2003, the FOCP claimed:

*No planning process, no assessment of open space requirements, no local or State Government policies suggested that the park should be destroyed. There are, in fact, no solid grounds to justify its destruction, and many to justify its protection. This development process has been driven solely by the revenue-raising requirements of the Commonwealth Government. This is not a sound reason for a planning authority to allow the destruction of a much-loved community asset. Neither the revenue raising objectives nor the financial goals of the project proponents negate the substantial legal protection the native vegetation on the site has; residential development on most of the site would destroy the vegetation and this outcome would appear to be unacceptable in the current legal and policy framework protecting significant native vegetation in Victoria.*

*That the park is now privately owned is immaterial. The land was purchased when it was subject to an interim zoning, and when it was known by prospective purchasers that the community and Council opposed development. There is no legal reason why a planning authority cannot recommend that all or a large proportion of the park be made subject to a public park and recreation zone: the developer took a risk on the final zoning when he purchased the land and his expectation of profit is also not a sound basis on which important decisions about community infrastructure provision should*

*be made.*

**1.2** All of the subsequent planning considerations related to the Park have vindicated these words. In particular, the Independent Planning Panel found that the Park, in its entirety, should be maintained as open space.

**1.3** The Planning Scheme Amendment and Development Plan on exhibition should not be entertained by the Responsible Authority. By doing so, the Authority contravenes the spirit, if not the letter, of the Planning and Environment Act by completely ignoring the findings and recommendations of the Independent Panel that was established to assess the Planning Scheme Amendment.

**1.4** The Independent Panel recommended a clear course of action based on its findings from several days of public hearings to which all parties contributed. If the planning process is to have any integrity, and especially if the Act's requirement for meaningful public participation is to have any value, any amendment (such as that now proposed) subsequent to the independent panel should look to the panel's recommendations for guidance, and should seek to implement those recommendations. The amendment currently before us clearly does not do that, because it:

- ignores the Council's Open Space Study finding that Chicquita Park is a valuable component of Kingston's open space network and should be retained in whole. The Open Space Study was established following a recommendation of the Independent Panel.
- ignores the Independent Panel's recommendation that 'regard should be had to the possible conflict between the serving of public open space recreation and vegetation conservation objectives'. Chicquita Pty Ltd's Development Plan makes almost no allowance for public open space recreation. In fact, the developer's design principles do not even include provision for usable open space (see Landscape Concept Plan). The main section of retained parkland, along the western edge of the land, is, in reality, a glorified nature strip, with no usable open space for playing games or exercising dogs, or other forms of active recreation. All other open space in the draft development plan effectively consists of beautification of paths and a water/drainage feature that serves to provide an enhanced siting for the

development, increasing the marketable value of the new houses, and hence the developer's profits, at the expense of the park and existing community.

- ignores the Panel's recommendations by making no attempt to preserve the park in its entirety

**1.5** Importantly, the Independent Panel did “with some considerable reluctance” countenance a situation in which development of the site would be appropriate subject to the following provisions:

- a Development and Design Overlay to retain third party notice and review rights in the context of design and development provisions, and
- “Application of an Environmental Significance Overlay to the whole site, responding to native vegetation values”.

Panel Recommendation 6 provides a scenario in which the current Amendment and Development Plan would be appropriate – if open space and vegetation regeneration 'studies indicate against the acquisition of the land'. In fact the studies indicated the opposite – that the land should be acquired. Thus the only scenario by which the Panel envisaged an Amendment of the kind before us being appropriate does not exist.

**1.6** Panel Recommendation 6 also says:

Should the studies conclude that significant use for nature conservation and/or local public open space are warranted and feasible, an amendment to apply the Public Acquisition Overlay should be applied to that portion of the site required for such uses, over and above any amount that may reasonably be required to address the open space needs of new use development that may take place on the site.

The studies have concluded that *all* the site is necessary for open space and conservation, so the Panel's recommendation that a Public Acquisition Overlay be applied is fully supported by the studies and should now be followed through.

**1.7** A number of points can be made against the development itself, as we do in part 2 of this submission. However, the fundamental point is that the Development Plan can never be appropriate because all sound planning policy finds that no development is appropriate for the site.

## **2. Strategic Planning Considerations**

**2.1** A number of points about strategic planning made in the Friends of Chicquita Park's April 2003 submission to the Independent Panel remain valid and should be restated here:

**2.1.1** *Urban planning is essentially about the allocation of scarce goods in space, including the provision of collective consumption goods, such as recreational space, transport and environmental amenity. Urban planning is a crucial component of public policy directed towards the realization of social goals such as the maintenance of good quality living environments. There is always a tension between broader public goods and private property rights in the practice of urban planning, but when there are no public policy imperatives supporting the private property rights, as is the case with Chicquita Park, it is the duty of the planning authority to ensure that planning decisions recognize the preponderant public policy goals.*

**2.1.2** *At the local government level there are no legitimate planning considerations to allow the subdivision of Chicquita Park for housing. In no Kingston City Council documents was the park identified as a desirable site for housing. Indeed, the only planning documents that the park has featured in were open space planning documents in which it was considered to be required open space. One of the major results of approving the proposed planning scheme amendment as it now stands would be to undermine the local planning authority (ie. the City of Kingston) to a significant extent.*

**2.1.3** *At the State level of the planning system, the proposed planning scheme amendment is contrary to several policy directions. The proposed planning scheme amendment has significant negative implications in terms of the State Government's Melbourne 2030 strategic plan in the following ways:*

*2. Melbourne 2030 places great emphasis on public open space, recognizing that 'local public open space is a vital component of the urban fabric' (Melbourne 2030, p. 103). Policy 5.6 states:*

*'Improve the quality and distribution of local open space and ensure long-term protection of public open space' (Melbourne 2030, p. 103).*

- *Melbourne 2030 emphasises the protection of native vegetation, and the environmental significance of Chicquita Park must be seen in this*

*context. Policy 7.7 of Melbourne 2030 states:*

*'The protection and enhancement of native vegetation communities are fundamental to State and regional biodiversity...Native habitat is threatened by the clearing of indigenous vegetation, intensification of land use and development, and sedimentation arising from soil disturbance and construction' (Melbourne 2030, p. 139).*

*Initiative 7.7.2 requires the implementation of*

*'the native vegetation management framework to protect remnant vegetation in the metropolitan area through the planning and development process' (Melbourne 2030, p. 140).*

*It is clear that the proposed Planning Scheme Amendment is contrary to this direction and policy, as it seeks to subject an area containing remnant native vegetation to a Residential 3 zoning that will not protect it. We remind the planning authority that planning authorities are required to consider whether proposed amendments compromise the implementation of Melbourne 2030.*

- The proposed development site is not within a designated Activity Centre under Melbourne 2030, and the intensity of the proposed development is thus not supported.

In sum, the proposed Amendment does not meet any local or state planning policy goals and is directly contrary to them in several instances. For this reason it would appear to be liable to appeal if it is approved by the Planning Authority.

### **3. Financial issues related to the acquisition of Chicquita Park**

**3.1** The City of Kingston has made it clear that it does not believe that it can afford to purchase Chicquita Park. Besides the fact that this means the passing up of perhaps the last opportunity to provide substantial open space in the Mentone area and of the last opportunity to protect important remnant native vegetation, the reluctance may be based on an unnecessarily pessimistic estimate of the cost.

The Independent Planning Panel for Chicquita Park commented that “land use and zoning considerations could affect valuation” (P. 22). Other similar cases suggest that the value of compensation for public acquisition of the land need not be determined at residential value, especially if:

It is recognized that there are substantial limits on the developability of the site, such as the presence of significant vegetation;

- a planning Panel has already found that the whole site is not suitable for residential development.

**3.2** The second point above is of vital importance here. Findings about the planning merit of the development are extremely important in determining land valuation. The Valuer General must have regard for the planning issues related to land, and should not be concerned with the potential speculative loss to developers.

This principle was confirmed by the recent acquisition of land by the State Government near Melton. In this case, a 60 hectare parcel of land was subject to a residential development proposal, but opposed by the Department of Sustainability and Environment because of the presence of significant native vegetation. Although it was clear that some part of the site was developable, the Valuer General decided that the serious restrictions on development greatly reduced the potential value of the land. The land was accordingly valued at \$300,000 – way below residential value - for all 60 hectares and thus purchased by the state. The Valuer General in this case confirmed that the speculative loss suffered by the developer was of no relevance to his decision. Interestingly it was also found that the developer had no transferable rights related to the presence of native vegetation (eg. Native vegetation offsets) unless he agreed to give the land to the state. Selling it, even at \$300,000 and accruing a substantial loss, meant that all rights associated with the land were transferred to the purchaser.

The Melton decision makes it likely that if Council were to apply a Public Acquisition Overlay to the Chicquita Park site, the cost would be at or close to open space valuation rather than to a residential valuation.

**3.3** Compensation for the developer for such an acquisition (or purchase of part of the

park) could be funded by utilising:

- Some of the millions of dollars in developer contributions we believe the City has received in past years for precisely this kind of purpose;
- such contributions expected to be received over the next few years, for instance from the proposed Nylex site development;
- funds received from the sale of any properties acquired as developer contributions and subsequently sold;
- offsets in respect of properties acquired from developer contributions but not used or needed for public open space (or proceeds from the sale of such properties);
- Funds to be made available by State Government for this purchase,
  - by means of funding council's contribution to the foreshore pipes removal, estimated between \$500,000 and \$1 million, or
  - as offsets required for the construction of the Scoresby Freeway.

Borrowing against future payments (in developer contributions or by State Government) should necessitate only a marginal slowing in the rate of repayment of Council's debt, given Council's healthy fiscal position announced recently.

**3.4** While we are glad to see the Scout Hall retained on the site, we believe that this expenditure needs to be balanced by expenditure on recreational open space for the rest of the community, as well as the Scouts, who presently have the use of the whole site for their activities. Further, the amount of land to be purchased for the \$200,000 needs to be questioned. According to the plan released at Council's meeting on 20 June, this will buy 400 m<sup>2</sup> or 2.5 per cent of the park. This puts a price on the park of twice the park's value, even using the developer's figure of \$4million.

Hence for the \$200,000, Council should get at least five per cent of the park, twice as much as shown. This would include the front and sides and perhaps the back of the Scout Hall.

**3.5** We note a recent precedent of Council acquiring land in Fowler Street Chelsea to build a new park. We understand that Council purchased two house blocks at a cost of about \$800,000 to create this park. Comparison with Chicquita Park reveals that Chicquita Park is 10 times the area of the new Fowler Street Park and, unlike Fowler

Street,

- was a public park for over 25 years,
- has been the subject of a community outcry over proposals for residential development, including about 540 planning objections, two petitions to Council and petitions to both the Federal and State Government,
- contains environmentally significant remnant native vegetation with potential for substantial regeneration,
- has been recommended by a State Government Planning Panel for zoning as public open space,
- and was strongly recommended for retention as public open space in Council's 2004 Open Space study due to its native bush character and the shortage of open space in the surrounding areas.

We support Council purchasing land for open space anywhere in the municipality, but wish to point out that if the Fowler Street park is worth \$800,000 to the City of Kingston, the above comparison shows that retaining Chicquita Park must surely be worth much more.

**3.6** Some years ago we were informed that Council owned some properties in Remo Street Mentone, but that they were earmarked for compensating open space in the event that the Brindisi Street offices were expanded. A recent title search has confirmed that these are still owned by Council. Given that Council has recently moved to the Fujitsu building this raises the possibility that these properties are now surplus to requirements. If that is the case, could they be used to help fund acquisition of Chicquita Park or has Council considered a land swap with the developer?

If they are not surplus to requirements, then this provides a further indication of Council's willingness to spend money on land purchases and supports our submission that these principles should also apply to Chicquita Park.

## **Part 2: The proposed Development Plan**

Although the Friends of Chicquita Park believe that the Planning Scheme Amendment itself should not proceed, and that therefore the exhibited Development Plan should not be considered, the Plan does provide useful evidence for why we believe the Amendment should not proceed. Our analysis of the flaws in the Development Plan is detailed below.

### **1 Open Space**

**1.1** Our arguments below are supported by Council's 2004 Open Space Strategy and specifically the recommendations concerning Chicquita Park, which include:

- *Council should consider all opportunities to protect the whole site as open space.*
- *The entire site be retained as a pocket of indigenous vegetation, for the purpose of conservation of flora and fauna as well as relaxation, contemplation, escape.*
- *The site be managed for relaxation, contemplation, escape and conservation of fauna and flora purposes, and with a landscape setting type as a rough natural area, that allows children to play and people to walk through the site.*
- *No facilities, paths or structures should be erected in the reserve.*

**1.2** FOCP's Submission of April 2003 sets out our concerns about open space in the area in detail and should be consulted in conjunction with this section. Specific problems with the Development Plan are:

- The plans show clearly that the 40% open space on offer is insufficient to retain the character of Chicquita Park and satisfy community open space needs.
- The open space is not contiguous and does little more than complement the development and provide ratepayer-maintained gardens for the proposed units.
- There is nowhere safe for children to kick a football, throw a frisbee or play backyard cricket.
- There is no room for contemplative open space, an important value of the existing park emphasized by Council's Open Space Strategy.
- The amenity for children to play imaginatively and socially in an

unstructured natural environment is lost (important in Council's Open Space Strategy).

- There is nowhere for smaller children from either the development or the neighbourhood to play safely.
- Even if dogs were to be permitted to run off lead, they won't be safe from cars.
- Walkways should be provided by the developer and should NOT be counted as part of the 40 per cent open space.
- The central open space is too narrow to be useful. It is not necessary to waste this space on drainage. In this sandy soil, workable drainage pits should be provided for each dwelling.
- The central open space is not, in reality, public open space available to the wider community. Urban design to achieve 'defensible space' emphasises safe public areas subject to informal surveillance from proximate houses. Such spaces achieve their safety and defensibility by the exclusion of strangers, even though there are no formal mechanisms – such as signs or gates – to exclude them. The central open space of this development is certainly such a space, with restricted access and a number of residential properties overlooking it. It will in reality not be a welcoming space for people living outside the development itself. The space clearly 'belongs' to the development rather than to the broader community – it is completely enclosed by the development. The effect is to privatise public open space while the cost for its maintenance remains with the broader community. A number of smaller 'open spaces' in the development are also subject to this criticism.
- **In essence, the proposed open space areas provide little more than a glorified nature strip, a glorified water feature/drain and other landscaping features which do not provide useful public open space for the broader community or even realise vegetation protection goals. The park is being destroyed and its remnants used to improve the marketability of the new houses.**

## **2. Vegetation**

**2.1** Once again, detailed analysis of the vegetation issues associated with Chicquita

Park can be found in our Submission of April, 2003 which accompanies this Submission. Vegetation issues specifically related to the proposed Development Plan are:

- The Environment Significance Overlay recommended by the Panel to protect environmentally significant remnant native vegetation has not been applied.
- No provision has been made for recruitment or regeneration of remnant vegetation.
- It is not clear how much significant vegetation will be lost, but this certainly includes most if not all of the silver banksias.
- With a development of this scale and without the legal protection of an ESO, the environmentally significant remnant native vegetation on this site will eventually be lost.
- The plans do not show the understorey plants and many of the significant trees on the site (eg. a number of manna gums and several silver banksias are not shown.)
- The pine tree is valuable bird habitat. It should stay.
- The stag manna gum is a potential nesting site and should stay if it can be preserved in the central area.
- The sugar gums and other non-site-indigenous native trees along the eastern fence should be retained in private properties.
- The non-site-indigenous native trees along the Savona Street nature strip should not all have to be removed (as shown on tree removal plan) - just what is necessary for driveways.

## **2.2** The proposed DPO is weaker than:

- the April 2003 DPO and the March 2002 DPO that accompanies the current interim C 24 Amendment in that it omits the provision for the retention of the tree form silver banksias in the public open space;
- the draft DPO presented in Council's submission to the planning panel in that it fails to require:
  - 'a site analysis plan prepared by a licensed surveyor and ecologist which clearly indicates all existing vegetation located on the land as well as existing view corridors.' As the site analysis plan provided as part of the proposed Development Plan does not clearly indicate all

existing vegetation and view corridors, this is a relevant and significant omission.

- A subdivision layout plan which includes:
  - vegetation protection zones
  - tree recruitment zones.

### **3. Other detriment to the amenity of existing residents:**

**3.1 Traffic:** the development will add to the danger and congestion of surrounding streets, in particular Avenza Street, where the access road enters at a point where visibility is impaired by a dangerous bend and shoulder in the road. In this respect the traffic assessment is flawed, as it fails to measure traffic on the busiest adjacent street, Avenza Street.

**3.2** Overshadowing and overlooking will be a particular problem for residents on the eastern boundary of the development, particularly 21 Avenza Street. The proposed DPO fails to require a subdivision layout plan (cf that provided in the draft DPO presented in Council's October 2003 submission to the planning panel) which provided some protection to the amenity of existing residents by requiring:

- a three-dimensional building envelope which illustrates the height and siting of the proposed built form on the land,
- passive solar design principles including lot size, spacing and orientation,
- proposed finished site levels.

It also fails to require urban design guidelines to eliminate overlooking and overshadowing; to minimize the detrimental affect of building mass as viewed from adjacent buildings; and to screen boundary fences for privacy.

Ecologically sensitive design principles are not required in the proposed development plan, (cf the September 2003 DPO).

**3.3** The concrete footpath bordering the development on its western side is unnecessary and obtrusive. (Some prefer a granitic sand path meandering through the trees with a link to one of the existing pathways; others prefer no pathways as recommended by Council's Open Space Study.

**3.4 Third Party rights:** a requirement that the development plan must be exhibited for four weeks and submissions invited and taken into account before the responsible authority considers whether to approve the development plan is not required in this DPO, though it was required in the September 2003 DPO.

#### **4. Inaccuracies and inconsistent plans.**

**4.1** We now have two sets of conflicting plans, which makes it difficult to know which plans we should comment on. These plans should not have been put out until the various inaccuracies and inconsistencies had been resolved: until the number of dwellings could be seen and until all of the trees on the site were shown and identified by species on the developer's site analysis plan, and until all of the plans showed the same area of Scout Hall land to be acquired.

**4.2** The new plans include a traffic assessment, a new landscape concept plan and a building envelope plan that shows 53 allotments, but does not show how many units are on any of the lots, some of which are much larger and look as if they are designed for multi-unit development.

**4.3** However, the new package still includes some of the old plans and the current plans still

- don't show the number of units planned for the site or their building elevations or road access,
- have several different shapes and sizes for the Scout Hall land,
- show different walkways from the previously released proposed land use and open space plans (with more open space wasted on walkways through the development, which should be on the developer's land).
- show different roadways from the previously released plans,
- don't show all of the trees and remnant vegetation (e.g. only 15 of the 22 coastal manna gums on the site are shown on the current site analysis plan, which may explain the understatement of the number of manna gums to be removed on Omni's Tree Removal Plan and by Omni Property Chief Lou Garita last week: both said two!).
- show different numbers of trees in different locations on the three different tree plans (for instance the plans still show five silver banksias in a clump where there are two and fail to show three other silver banksias on the site.
- don't show how much of the native vegetation will be destroyed.

### **Part 3. Conclusion and recommendations**

1. The proposed Development Plan emphasises the point made by the Friends of Chicquita Park on numerous occasions: open space and vegetation preservation needs cannot be met with any large scale development of the site, such as that proposed.

2. We ask Council to recognize the rarity of the opportunity presented by Chicquita Park to preserve open space and remnant vegetation in an area where no more opportunities of this kind will ever arise again. We ask Council to purchase the whole site or as much as possible of the land for public open space, using funds freed up by the State Government's agreement to fund the Council's costs in foreshore pipe removal, open space contributions made by developers and any other funds which Council might reasonably make available for this purpose such as by the sale of other surplus assets owned by Council. Precedents have been set for the funding of open space acquisition by Council's welcome purchase of land in Fowler Street, Chelsea to create a small park. **Accordingly our principal request is that Council follow the course recommended by the Independent Panel and acquire the park by means of a Public Acquisition Overlay.**

3. The open space as proposed in the development plan is geared to maximizing the developable space and producing an attractive environment for the new dwellings. It does not provide any meaningful, useable and widely accessible open space, while it also sacrifices a number of important vegetation features.

4. We submit that improvements could be made by implementing the following principles:

- All decisions about the exact location of retained open space should be made in consultation with the Friends of Chicquita Park. This applies to the current 40% proposed as well as whatever additional open space is acquired by Council. Even with the best intentions, Council representatives cannot possibly have the detailed knowledge of community preferences and park features that the community representatives have.
- Removing the central water/drainage feature and expanding the open space to a larger swathe at the southern part of the site, incorporating the silver banksias and substantial grassy open space areas.

- Alternatively, the central open space could be joined with the open space along Levanto Street to produce a sizeable and useable area that provides open space and also preserves important vegetation. This could be achieved by the purchase by the Council of the land between the two main open space areas now envisaged.
- All open space areas should be contiguous as far as possible, connected by more than walk ways. Wherever open space is connected only by a walkway, this walkway should not be counted as part of the developer's 40% open space contribution.
- No paths or roadways, or scout hall land should be included in open space calculations.
- All open space should be useable, accessible and safe. Open space areas such as that proposed at the back of the Scout Hall should be avoided. If the developer chooses to keep this space to suit his development, then it should be counted as part of the development not part of his 40% open space contribution.
- Small parcels of open space designed solely to protect one tree and otherwise too small to be meaningful for recreation should be avoided, unless they are required to be protected by an ESO or considerations of freeway offset potential.
- Significant vegetation should be maintained on public land.
- Council should preserve all open space on the site in a Public Parks and Recreation Zone.
- Residents on the eastern boundary, particularly those whose houses face onto the park, need to be protected from overlooking and overshadowing by at least twice the proposed three metre setbacks. We suggest also that adjacent new properties should be limited to single storey, and that no raising of site levels be permitted.
- An Environmental Significance Overlay should be applied to the whole site (as recommended by the Independent Planning Panel)
- The proposed DPO should be replaced by a Design and Development Overlay (DDO), to retain third party rights as recommended by the Independent Planning Panel.