

# **Submission on Planning Scheme Amendment C25**

**Submitted by:**

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**On behalf of the Friends of  
Chicquita Park residents' group.**

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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 several 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.

The Friends of Chicquita Park opposes the Planning Scheme Amendment that seeks to zone Chicquita Park to Residential 1 and advocates that a Public Park and Recreation Zone be imposed on the entirety of the site. We would strongly suggest that any independent planning process that truly takes into account the significant values of the park would reach this conclusion. 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 1 zoning.

Chicquita Park is a cherished part of our local community. For several decades it has served as open space in which our children have played, in which we have walked our dogs, where we have sat and enjoyed the ambience of nature. It was once part of the Mentone Racecourse and many of our members can still point to where the bull ring and other features were. It remains an important reminder of the heritage of our suburbs. Chicquita Park is a valuable repository, too, of our natural heritage. It harbours several species and examples of important plants within significant remnants of native vegetation that are extremely rare in the southeastern suburbs of Melbourne and shelters many species of birds.

All of this stands to be destroyed by a development that no-one in the local community wants. From the moment that the Department of Defence announced that it intended to sell the land, the residents and Kingston Council opposed the destruction of this park. 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.

This submission sets out the reasons why the Planning Scheme Amendment as currently proposed should be rejected. Our objections are presented under four headings:

- Strategic planning
- Open space provision
- Ecological values (indigenous flora and fauna)
- Issues of democracy and recognition of community wishes

## **1. Introduction**

- 1.1** In December 2001, despite opposition from the local community and Kingston City Council, the Defence Department sold its land on Levanto Street, Mentone. This land, known as Chicquita Reserve, is 1.55 Ha in size and had been leased to the City of Kingston for 25 years as a public park. Prior to expiry of this lease agreement in November 2000, the Kingston Council elected not to take up an offer to purchase the land for approximately \$2.5 million. In May 2001 and again in December, the Kingston Council offered about \$500,000 to purchase the land for retention as open space, but these offers were rejected by the Defence Department and the land was sold by Public Tender.
- 1.2** The Reserve is one of two open space areas preserved when the old Mentone Racecourse area was subdivided for housing in the 1970s.
- 1.3** The Park was named after a heroic local black mare who raced in the early 1950s. After six wins as a three-year-old, Chicquita was pipped by a nose by Comic Court for the 1950 Melbourne Cup.
- 1.4** The Park is one of the few remaining links to the old Mentone Racecourse, and a tangible reminder of the extensive network of suburban racecourses that once dotted Melbourne's suburbs. Few traces of these courses now remain, despite the important role they played in the development of racing in Victoria and their connection to significant people and horses in Australian racing history. A study has recently been conducted by Andrew Lemon, historian and member of the Victorian Heritage Council, into Melbourne's suburban race courses, and identifies their social, historical and sporting significance.
- 1.5** Michael Buxton, a former Mayor of Mordialloc and now Associate Professor of Planning at RMIT University played an important role in saving Chicquita Reserve as public parkland and is well aware of its value. The last time the Defence Department wanted to sell the park, more than 25 years ago, he went to Canberra with Cr Peter Scullin to see the then Defence Minister, Lance Barnard. They were

able to negotiate the 25 year-lease that has recently expired, with the expectation that eventually Mordialloc Council would buy it for the community.

- 1.6** The City Of Mordialloc and more recently Kingston Councils have maintained the Reserve and added many native plants to enhance the natural environment feel of the area.
- 1.7** Over the years a number of items of playground equipment were installed and updated by the council along with landscaping around the playground.

## 2. Strategic planning

- 2.1** The proposed planning scheme amendment raises a number of important planning issues that have relevance beyond Chicquita Park itself. These issues are related to planning at two levels: the local government level and State government level.
- 2.2** There is no urban planning or infrastructure imperative to reduce the amount of open space in the area. Neither Kingston City Council nor the State Government had any intention of encouraging development on the site: indeed, it was included in Kingston City Council's open space planning documents. The reduction in open space that would occur if the park were to be developed would be entirely because of the revenue demands of the Department of Defence. It would be contrary to all social, environmental, recreational and urban planning considerations.
- 2.3** 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.
- 2.4** Parks Victoria included Chicquita Park in a list (and map) of major recreational facilities in the area in their 1997 submission concerning the F6 freeway reservation in Cheltenham (Kingston Planning Application KP96699). They clearly understood that Chicquita Park was an area of permanent parkland. On this basis they argued that there was sufficient *permanent* open space in areas surrounding their land and that the sale of about 60% of the F6 land for residential subdivision should be permitted. The residents in that area in fact disagreed and argued

unsuccessfully for more open space. Thus, Parks Victoria made a significant amount of money from their land sale and used the existence of Chicquita Park to help justify and gain approval for that sale.

- 2.5 Until recently, there has been no indication to the community that this land is anything other than permanent public open space – indeed it was until recently signposted as belonging to Kingston Council and represented in the Melways as public parkland.
- 2.6 In recent years there has been a significant increase in housing density in the surrounding region and this has been permitted to occur against the backdrop of the existing open space at Chicquita Plan. Population growth targets for Kingston will *increase* the need for open space, not decrease it.
- 2.7 In sum, 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.
- 2.8 At the State level of the planning system, the proposed planning scheme amendment is contrary to several policy directions. The ramifications for State level open space and environmental policy are discussed in Sections 2 and 3 below. Here we wish to emphasise that the proposed planning scheme amendment has significant negative implications in terms of the State Government's *Melbourne 2030* strategic plan.
- 2.9 *Melbourne 2030* is a statutory document and all planning authorities are required to have regard to it when preparing planning scheme amendments. Specifically, when preparing planning scheme amendments, planning authorities must consider

- What aspects, if any, of *Melbourne 2030* are relevant?
- How does *Melbourne 2030* affect the amendment?
- Is the amendment consistent with any directions and policies in *Melbourne 2030*?
- Does the amendment support, give effect to or assist the implementation of *Melbourne 2030* or can it be reasonably modified to do so?
- Will the amendment compromise the implementation of *Melbourne 2030*? (*Melbourne 2030 Advisory Note: Implementation in the Planning Scheme*, October 2002, p. 4).

This submission will demonstrate that *Melbourne 2030* directions and policies are relevant to the planning scheme amendment presently under consideration and that the proposed amendment is contrary to those directions and policies, particularly as they apply to open space and environmental concerns.

### 3. Open Space Provision

3.1 The social and health benefits of open space have long been recognised. In the 1850s, Frederick Law Olmsted, the designer of New York's Central Park, promoted the urban park as 'strongly counteractive to the special enervating conditions of the town'. At the same time, Melbourne's founders were setting aside large areas of the inner city as permanent parkland reserves and Melbourne has since become renowned for the legacy of these forward thinkers. While living conditions in our cities have improved dramatically since the heyday of urban park creation, the evidence of their social and health benefits remains strong. Australia's premier urban policy analyst, Professor Patrick Troy from the Australian National University, points out that

'the provision of open space in the form of recreation facilities and parks is intimately connected with improvement of the environment and the health of the population and it is better to err on the side of caution than to reduce the standards' (Troy, P. [1996], *The Perils of Urban Consolidation*, The Federation Press, p. 66).

He demonstrates that proximity is an important factor in the usage of parks, reporting that:

'Households with a garden or park close at hand are more likely to have a high level of outdoor use, whereas their usage of outdoor areas falls rapidly with distance. Households 500 metres from a park use it 56 per cent less than those near it and those 300 metres away use it 26 per cent less'.

Proximity is of particular importance where the potential users of a park are either elderly or have young children. Significant numbers of the catchment for Chicquita Reserve fit into these categories. The area around Chicquita Reserve has surprisingly high densities, particularly between Chicquita Reserve and Warrigal Road: 28% of blocks are occupied by 4 or more dwellings, 36% are dual occupancies and only 36% comprise single dwellings. Meanwhile, Kingston City

Council, like other comparable middle suburban Councils, have targets for population increases over coming decades and the consolidation of the urban fabric in the area continues to increase densities. There are thus compelling reasons for more rather than less open space.

- 3.2** *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).

Initiative 5.6.2 requires the application of ‘the open space planning principles set out in the Parklands Code to guide decision-making on issues such as open space protection and management’ (*Melbourne 2030*, p. 103; it should be noted that because the Parklands Code is incorporated in *Melbourne 2030* it has the same status as the rest of that document). The Parklands Code has a number of important provisions of relevance to this case. It states:

‘Appropriate zoning of open space is integral to its long-term security and Public Park and Recreation Zone or Public Conservation and Resource Zone are the most applicable zonings for parkland purposes’ (*Melbourne 2030*, p. 104).

- 3.3** It should be noted that although Chicquita Park is currently privately owned, there is no reason why a Public Park and Recreation Zone could not be imposed, so long as a public authority is prepared to purchase it. As has already been pointed out, the present zoning on the land is interim and has been imposed only as a means of managing the transition of the land out of Commonwealth hands. It is only because of the peculiar arrangements of the Australian Constitution that accords such powers as those relating to town planning to the States while preventing the States from interfering with the actions of the Commonwealth that allows certain parcels of land (those owned by the Commonwealth) to escape the remit of the States’

planning powers. Nevertheless, precisely because the Constitution is very clear that such powers as urban and regional planning are the preserve of the States, the actions of the Commonwealth should not be allowed to interfere with the exercise of those powers. This means that any action taken by the Commonwealth in divesting itself of land it owns must not interfere with the States' rights to impose planning controls over that land. Indeed there may already be an argument that in selling open space land to private owners the Commonwealth has already preempted the powers of the State – which may have sought to retain that land as open space – and curtailed the options of the State: this, it could be argued, is unconstitutional, or at least contrary to the spirit of the constitution.

#### 3.4 The Parklands Code further states that:

‘If a change in land use or in the nature of occupation is to occur that will result in a reduction of open space, the overall network of open space should be protected by way of addition of replacement parkland of equal or greater size and quality’ (*Melbourne 2030*, p. 104).

#### 3.5 Other elements of Victorian Government policy clearly support the protection of parks from development. In its *Greener Cities* policy, released before the 1999 State election, Victoria’s ALP Government pledged to: ‘stop the erosion of our parks for commercial gain and restore them as community assets for use by all’. It accused the Kennett Government of initiating ‘an unprecedented assault on Melbourne’s green spaces’, and of causing ‘Melbourne’s much-treasured parks and gardens (to be) facing a greater threat to their survival than at any time in the city’s history’. In contrast, ‘Labor believes regional and local parks are priceless community assets that should be preserved and enhanced in public ownership in order to provide for the widest possible range of recreational use and passive enjoyment’. To this end, the State Government’s new strategy to boost Melbourne’s parks, *Linking People and Spaces*, is aimed to demonstrate the Bracks

Government's commitment to providing more recreational open space for Victorians.

- 3.6** The above points relate in particular to the policy issues relevant to open space provision. There are also many quite practical open space issues concerned with Chicquita Park:
- 3.6.1** Lower Dandenong Road and Nepean Highway act as effective barriers to the local community accessing any other parkland across these boundaries.
  - 3.6.2** Chicquita Reserve is used frequently by numerous local residents as a passive recreation area. For many people in flats and units, it is their only 'backyard'.
  - 3.6.3** Friends of Chicquita Park includes two families with children with disabilities who use the park extensively and for whom it is an integral part of their quality of life and welfare.
  - 3.6.4** They and generations of other children have used the park's playground.
  - 3.6.5** Chicquita Reserve is unique and distinctly different to the nearest parkland, Racecourse Reserve, which is considerably further away from the residents in the higher density area.
  - 3.6.6** Most of Chicquita Reserve is an official off-leash dog area and is the only such area in the vicinity where residents can exercise their dogs in this way.
  - 3.6.7** The Mentone Scout Hall has been located on one end of the park since 1960 and the scouts in the local troop use the whole park to practise their skills. Even preservation of the Scout Hall in its existing location without the adjacent parkland would be unsatisfactory as the scouts would then be crowded by neighbours likely to complain about their noise.

#### 4. Environmental Values

**4.1** The environmental significance of Chicquita Park must be seen in the context of the policies enunciated in the State Government's Strategic Plan for Metropolitan Melbourne, *Melbourne 2030*. Policy 7.7 of this plan 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 1 zoning that will not protect it. We remind the planning authority of the point made in Paragraph 2.8 that planning authorities are required to consider whether proposed amendments compromise the implementation of *Melbourne 2030*.

**4.2** The park has several stands of indigenous vegetation with significant environmental and historical merit, including remnant coast manna gums scattered across the park, some with a trunk measuring more than 1 metre in diameter, a stand of rare Cherry Ballarts (native pines which propagate only in the wild), several examples of the tree form of Silver Banksia, which is highly endangered in the Port Phillip region,

and two fenced off sanctuaries for smaller indigenous plants established and cared for by local environmentalists.

- 4.3** The park is a habitat for many varieties of indigenous birds including Red Wattlebirds, Eastern Rosellas, Rainbow and Musk Lorikeets, Magpies, Grey Butcherbirds, Noisy Miners, Magpie-larks and at times Sulphur-Crested Cockatoos and Galahs.
- 4.4** The unique nature of this unstructured parkland provides a rare opportunity for local residents to enjoy an unspoilt peaceful oasis within a suburban setting.
- 4.5** A recent environmental assessment of Chicquita Park by Jeff Yugovic of Biosis Research for Kingston Council provides evidence of the environmental and biodiversity value of the park to the City of Kingston and its residents beyond the immediate 300 or so neighbours who have worked together to advocate the park's retention.
- 4.6** The report provides a very strong case for the park's retention in public ownership in order to retain the significant remnant indigenous vegetation it contains and to maintain its biodiversity: *'conservation of biodiversity requires public ownership of land, as little biodiversity is expected to survive on private land'*.
- 4.7** The report notes that 'removal of existing vegetation on the site as would happen under residential development is not consistent' with new State Government policy to protect native vegetation and in particular with the No Net Loss and Net Gain goals of the Victorian Biodiversity Strategy and the Native Vegetation Management Framework (see paragraph 4.1 above). An analysis of the vegetation and habitat in Chicquita Park according to the criteria in the Framework (page 53) indicate that it would be of "medium" significance. The Framework (page 54) then indicates that the "response to a proposal to clear and offset" vegetation of medium significance would be that "clearing [is] generally not permitted". "If some clearing is to be permitted,

the following offset requirements must be met: equivalent gain, i.e. at least 1 X the calculated loss in habitat hectares”. “Requirements to achieve offsets” are that “gains must be of an ongoing and secure nature” and can be “any EVC in the bioregion”. The Framework goes on to say that “the proportion of revegetation included in the offset (in habitat hectares) is limited to 50%” of the potential loss. The Framework is clear that clearing of significant vegetation such as that present in Chicquita Park is not to occur anymore in Victoria and any clearing proposal must assess the vegetation and propose offsets; this has not occurred and a comparison of the reports documenting the vegetation and the implications of the planning amendment and permit application are that most of the vegetation in the park would be cleared as a result of the development.

- 4.8** The report concludes that the *‘environmental values of the site are too significant for the City of Kingston to lose’*. It notes that remnant vegetation in south-east Melbourne and the Mornington Peninsula has ‘very high priority’ for retention in the Draft Native Vegetation Management Framework. It finds that Chicquita Park **‘forms an important component of the small amount of native remnant vegetation that remains in the City of Kingston in good or moderate condition’**.
- 4.9** The report found that potential indigenous seed banks, while they remain undisturbed, contain ‘potential for site rehabilitation’ and for the site to be developed as an ‘indigenous garden with demonstration indigenous lawns that require no watering, no fertilising and minimal mowing’.
- 4.10** It also commended the ‘potential value of the site ...for research in indigenous garden management and education of the community in natural heritage, conservation and ecological sustainability’. It found that the native vegetation ‘can be returned to moderate condition with appropriate weed management’. Our members look forward to being able to assist with a weed management regime under the appropriate expert supervision recommended in the report.

**4.11** The Biosis Report found that this site ‘may be the only occurrence...anywhere’ of at least one of the plant specimens recorded. From another environmental expert, David Bainbridge, who is presently undertaking an inventory of the remnant vegetation in Kingston’s reserves, we have learnt of a variety of wallaby grass that has never been described. This information was not made available to Biosis for their report.

**4.12** The Biosis report needs to be read in the light of two earlier environmental assessments commissioned by the Federal Government and Council as it relies to a significant extent on their detailed descriptions of the remnant vegetation. As well it needs to be read in the light of David Bainbridge’s work-in-progress cataloguing the remnant vegetation in Chicquita Reserve along with Kingston’s other reserves, and of the evidence of local naturalist and neighbour of the park, Ron Pearson.

The two reports are:

- *Environmental Impact Assessment of Chicquita (sic) Park, Mentone, Victoria*, by David Mitchell and Damien Chappell, for the Defence Department (1/12/00), and
- *Brief Ecological Investigation of Chicquita Park, Levanto Street, Mentone*, by Doug Froode of Pathways, for Kingston Council, apparently late in 2000. This has an important map showing the locations of remnant indigenous flora and plantings within the reserve.

**4.13** These two reports, and particularly the map show that the high tin fence of the old Mentone Racecourse – augmented by subsequent management by the City of Kingston - has preserved a remnant of the coast manna gum heathy woodland at Chicquita Park rated by Mitchell and Chappell as of ‘moderate regional and high local significance for conservation’.

**4.14** According to Mitchell and Chappell, it is one of the few remnants of the ‘coastal woodlands which have been largely cleared from Melbourne’s south eastern

suburbs'. Their report refers to the park's importance as part of a corridor or of a series of stepping stones for flora and fauna and as the location of a number of rare indigenous varieties of plants.

- 4.15** Mitchell & Chappell list 17 indigenous plant species (15 of which are indigenous to this area), of which they rate 11 as rare and three as very rare.
- 4.16** They note the need to take a bioregional approach to conservation and to acknowledge the need for multiple patches of habitat to provide for species which may need more than a single block of remnant bushland, which may be too small to maintain viable populations in the long term for any but the most common species. Bushland corridors or stepping stone patches of habitat have a key role in maintaining integrated systems of habitat in the landscape, providing opportunity for movement and population interchange between otherwise isolated blocks.
- 4.17** In this context, Chicquita Park has added importance as it provides habitat for a small range of indigenous flora and fauna of primarily local significance. These include a genetically distinct tree form of Silver Banksia, *Banksia marginata*, and an unusually tall form of Wattle Mat-rush *Lomandra filiformis*.
- 4.18** The Pathways map provided by Doug Froode shows significantly more indigenous remnant vegetation, scattered more widely over the park, than any of the earlier concept plans commissioned by Council, including those sent to the Defence Department. This map makes it clear that it is not possible to develop any substantial section of the park without sacrificing a great deal of the significant vegetation.
- 4.19** The Pathways report added two indigenous local species to Mitchell and Chappell's list and noted the likelihood that seed from other species now extinct at the site, including peas, wattles and heaths, might still be present in the soil and recommends a management regime to regenerate these plant species.
- 4.20** David Bainbridge, a botanist who was engaged by Council to make an inventory of indigenous vegetation in all of Kingston's parks, has pointed out that one of the

wallaby grass species in the park is as yet undescribed. (*Danthonia setacea* – bristly wallaby grass: has a distinctive flower head only seen during spring flowering.)

As well, he identified three plant varieties not identified by the environmental assessments of the park so far carried out (see below):

- *Caesia parviflora* (pale grass lily);
- *Eragrostis brownii* (love grass);
- *Stipa mollis* (spear grass).

**4.21** Residents have observed several species of fungus not included in any of the botanical lists. As an untrained observer, one (Rosemary West) was unable to identify three of these and was advised to take samples to Dave Bainbridge. He identified:

- *Ganadema*, a polypore fungus;
- *Picnapous cinabarius*, an orange-colored bracket fungus;
- a third specimen was identified by Tom May at the Herbarium as a giant bolete, or *phlebopus marginatus*. While these are quite common and are found from Blackburn to the Dandenongs and down to the Mornington Peninsula, their importance rests in the fact that, according to May, they are a sign of ‘a nice healthy piece of bush’.

**4.22** Most people will neither want nor be able to reasonably accommodate the stands of dense vegetation in their backyards and will find ways to destroy or ‘thin’ them. Depriving trees like silver banksias of the supporting shrubbery, and even mowing too closely under them will ensure that they no longer reproduce and will therefore destroy the self-propagating capacity essential to remnant vegetation. Some of the manna gums cover the area of an average backyard and as their limbs are prone to fall, they would be regarded as a hazard to fences and residents.

## **5. Issues of democracy and recognition of community wishes**

- 5.1** The Friends of Chicquita Park can confidently claim almost unanimous support from residents in the area surrounding the park for the position expressed in this submission. During the council elections in March 2003, two members of the Friends ran as candidates, both finishing in the top four on strong pro-park platforms. One of the candidates, Rosemary West, was elected. Most other candidates actively advocated the retention of the park. No candidate advocated its destruction.
- 5.2** In March 2001 the Kingston City Council passed a motion indicating its strong support for retention of the park. This motion is of crucial importance as an indicator of the Council's attitude towards development of the park and is therefore worth quoting at length:
- ‘That Council write to the Prime Minister, The Hon John Howard, and the Minister for Defence, the Hon Peter Reith, advising:
- a)That the City of Kinston strongly objects to the sale and disposal of the land known as Chicquita Reserve, Mentone for development purposes;
- b)That under present circumstances Council would not support a rezoning of the land from its present status and that the department be requested to indicate this to all prospective purchasers;
- c)That Council believes the land should be retained as open space for future community use...’
- 5.3** The Friends of Chicquita Park have conducted numerous public meetings over the last three years and have attained virtually unanimous support at all such events.
- 5.4** The Cheltenham Village Committee has passed resolutions supporting the retention of the park.

- 5.5** *It is quite simply the case that there is virtually no community support for the proposed planning scheme amendment and the destruction of the park.*
- 5.6** Many residents have bought properties in the area on the confident assumption that the park would remain. The sudden sale of this land for development purposes betrays the local land-owners by adversely affecting their reasonable expectations for continuation of their chosen standard of living within the environment they have selected, and may also adversely affect their property values.