



The Friends of the McKay Gardens Response Submission, 2016. (Section two)

112-116 ANDERSON ROAD SUNSHINE DEVELOPMENT PLAN VERSION: REVISED AFTER  
COUNCIL FEEDBACK DATE: 08.06.2016. Prepared by Urban Design Architecture: McGauran  
Giannini Soon Pty Ltd

## Introduction:

“The purpose of this document is to provide a Development Plan that fulfils the requirements of the Development Plan Overlay that applies to the site. The Development Plan describes the use of the land and generally guides all future development applications for the subject site.”

*Introduction: The Friends argue that rezoning application Brimbank Planning Scheme Amendment C148 –112-116 Anderson Road, Sunshine be rejected in its current form. The current development plan is not in the interests of the residents of Brimbank, is contrary to high standards in the principles of land use and urban planning, is an attack on Brimbank’s heritage, is unsustainable and is a gross over-development of the site. If the development plan is unacceptable, the rezoning application must be rejected. Further, the Friends believe that the State Government objective to increase availability of affordable housing in growth zones such as Sunshine could be easily be met on this site with a much better development concept.*

## 3.0 Overall layout, traffic and access:

“The vision for the site is for a highly accessible medium density residential community, strongly integrated with the Sunshine Activity Centre while acting as a transition to the surrounding residential areas. The design concept proposes clusters of townhouses set within a high quality landscaped public realm. The intention is to create an open and engaged residential quarter that responds sensitively to its location immediately adjacent to the heritage significant H. V. McKay Memorial Gardens”.

*The development seeks to be integrated with surrounding residential area that, as it fronts on to Anderson Road, is best described as cheap, disadvantaged housing. In fact it is cheaply built residential blocks of flats that have been an on-going source of social strain in Sunshine, the problem of dumped rubbish for instance. It is not clear why Council should want to replicate previous poor planning decisions.*

*The development does not create an open and engaged residential quarter but rather the “clusters” of town-houses will exist in a cramped overdeveloped enclave and fire trap that provides a very poor landscaped public realm and is an insensitive and unimaginative response to the adjacent Heritage listed Gardens.*

## 3.1 Overall layout plan.

*Incorrectly shows position of access to the McKay Gardens and Presbyterian Church.*

## 3.2. Integrated transport plan

### Site Access:

In consultation with VicRoads, Brimbank City Council and Heritage Victoria, the site access has been designed as a signalised T-intersection incorporating the existing signalised pedestrian crossing to the north. A short right turn lane will be provided on the southern Anderson Road approach clear of the existing southbound right turn lane to Forrest Street at the Anderson Road / Forrest Street intersection to the south. A second emergency services entry to the site is proposed through the northeast corner of the site,

### Vehicle access and egress

*The Friends of the McKay Gardens argue that the rezoning application should be rejected as an attack on Brimbank’s heritage in that it entails the excision of land from the heritage listed McKay Memorial Gardens and that it is detrimental to the interests of adjoining landowners including the Presbyterian church and Brimbank City Council.*

### Proposed Concept Plan 7 Vehicle access and egress

The existing vehicle access is achieved from a 2 way driveway crossover from Anderson Road located in the north west corner of the land. This existing crossover is approximately 10m from the common boundary with HV McKay Memorial Gardens to the north of the site.

## Integrated Transport plan

3.2 "In consultation with VicRoads, Brimbank City Council and Heritage Victoria, the site access has been designed as a signalised T-intersection incorporating the existing signalised pedestrian crossing to the north. A short right turn lane will be provided on the southern Anderson Road approach clear of the existing southbound right turn lane to Forrest Street at the Anderson Road / Forrest Street intersection to the south.

### 4.1 Site Access

Acknowledging that the accepted access intersection requires some land within the adjacent HV McKay Memorial Gardens site, approval has been sought by Heritage Victoria, with an endorsed copy of the accepted access plan as Appendix B.

*The proposed design for the T intersection cuts the Southern path access into the Gardens and the Presbyterian Church's access to their car park. The traffic plans provided by Cardno incorrectly identify a tarmac apron located in front of the main church doors as an access route. This is NOT a path or road access. Nor is it possible to create an access road via this opening without significant damage to the heritage listed church. The alignment of the proposed road divider on Anderson Road prevents vehicles travelling north from turning right into the actual access path and car park. This is the ONLY access point for vehicles into the Gardens, including for Council's own maintenance vehicles and ambulances. The Friends also note that NO modelling of vehicles entering or existing the Church car park has been conducted.*

*The only reason to excise a slice of land from the McKay Gardens is to facilitate rapacious over-development of the site. The current access point from the George Cross site – ten metres from the boundary -requires no such excision. If the developer moved the access point further south along Anderson Road, no excision would be required. If Heritage Victoria has granted a permit on the basis of the plan provided by Cardno, the permit will be exposed to legal challenge or revision. Brimbank City Council has no requirement to realign the footpath (and thus excise land from the McKay Gardens) other than to facilitate the over-development of the site.*

*The Friends of the McKay Gardens also note that Strategic Planning has sought no compensation for the excision of land, moving the path entrance light (now illuminating a major access point into the Gardens but will under the current proposals no longer serve that purpose) nor any likely damage to a mature tree located at that corner.*

### Emergency Vehicle Access.

"In an emergency situation where the main entry is blocked emergency vehicles can enter the development site via the pocket park at the north east of the site"

*The Friends of the McKay Gardens argue that the rezoning application should be rejected because the proposed concept plan constitutes a fire entrapment hazard and that the developer has been encouraged to view the use of the public, heritage listed, McKay Gardens as a solution to this problem. The single entry and egress point into the development prevents access by emergency vehicles should this point become obstructed. In addition, the Friends suspect the extremely vague characterisation of emergency access "via the pocket park" is a deliberate attempt at obfuscation.*

From the Integrated Transport and Traffic Impact Assessment Cardno. Revised 29<sup>th</sup> of June 2016 after consultation with Brimbank Council.

### 4.1 Site Access

In consultation with VicRoads and Brimbank City Council, ...A second emergency services entry to the site is proposed through the northeast corner of the site, via the existing paths through the adjacent McKay Memorial Gardens. This emergency access way is to be left unobstructed at all times, and would be utilised by emergency vehicles should the main entrance way be blocked.

From the revised Planning Report 01b – Brimbank Planning Scheme Amendment C148.

## 7 Vehicle access and egress

A second emergency services entry to the site is proposed through the northeast corner of the site, via the existing paths through the adjacent McKay Memorial Gardens. This emergency access way is to be left unobstructed at all times, and would be utilised by emergency vehicles should the main entrance way be blocked."

*The Friends of the McKay Gardens argue that the proposed rezoning be rejected. The emergency access conditions associated with the development concept plans and the Integrated Transport and Traffic Impact Assessment report are contrary to the interests of the residents of Brimbank, contrary to the interests of the neighbouring properties and contrary to planning law. The variance to Brimbank planning law requested in this rezoning, prejudices the orderly use and development of land in that it, seeks a special privilege for this developer that will not be available to other land developers and is contrary to the land use interests of the residents of Brimbank.*

*The proposed vehicle access arrangement relies on access to and use of public land to compensate for insufficient emergency vehicle access within a private development. This grants a privilege that is not be available to other private land users and or sets an unacceptable precedent in allowing private developers to alienate public land for private purposes.*

*In addition, the development relies upon the restriction of use and design of a public site in order to compensate for its insufficient emergency vehicle access. "This emergency access way is to be left unobstructed at all time". This grants a privilege not available to other private land users in that it allows the developers to, in effect, create a private "easement" that restricts the usages of public land.*

*That this additional emergency services entry to the site is proposed through a heritage listed Garden is indicative of profound ignorance and indifference of the instigators of this proposal. Had the concept plans been informed by the Council's own Strategic Management Plan for the H.V. Gardens, and or maintenance agreement for the H.V McKay Gardens the proponents may have discovered:*

- 1) Vehicle traffic into the Gardens has been an on-going issue for the past 8-9 years and that every effort has been made, including the use of bollards on the main path entry points, to prevent vehicles (particularly heavy vehicles) from entering the Gardens. Exclusion of vehicles from the Gardens is essential to prevent compaction of the soil, damage to flower beds, "bowling green" lawns and destruction of paths, rock edges and (recently installed) irrigation system. Exclusion of vehicles is part of both maintenance and strategic development plans for the Gardens.*
- 2) In addition, none of the paths within the McKay Gardens are designed to cater for heavy vehicle traffic such as fire appliances. Under MFB Guidelines GL-27 a development must: provide sufficient, ... all weather access ... that will be of a standard and strength to permit access without vertical encumbrances with following dimensions: ♣ An all weather access way must be at least 3.5 metres wide, with a vertical clearance free from encumbrances of 4.2 metres; and capable of carrying an emergency vehicle of 17 tonnes. ▀ Only the Southern Walk in the McKay Gardens has a path 3.5 wide and is capable of supporting 17 tonne, however, it does not provide 4.2 meter vertical clearance due to overhanging trees, there is a garden bed island located in the middle of the path that prevents large vehicles accessing the Western (pedestrian bridge) end of the Gardens. This is the so called "pocket park" end of the development. AND the developer's proposed realignment of the footpath along Anderson Road actually cuts off this access point for vehicles! (See above)*
- 3) There are NO other access points into the McKay Gardens capable of supporting the*

- weight of fire appliances or having the width to allow access by same.*
- 4) There are NO access points into the Gardens from the North-east corner.*
  - 5) The introduction of heavy vehicles (travelling at speed) into a pedestrian precinct creates a hazard for pedestrian users and is likely to adversely effect public risk liability for the Council as it is applied to the McKay Gardens.*
  - 6) The introduction of heavy vehicles into the McKay Garden constitutes a violation of heritage principles as they relate to the design, form and usage of this historic Gardens.*
  - 7) The only reason that the developer might require emergency vehicle access through he McKay Gardens is because of the poor design and over development indicated in the development concept plan.*

*The proposal that " In an emergency situation where the main entry is blocked emergency vehicles can enter the development site via the pocket park at the north east of the site." does not address the issue since the position of the park is (currently) unconnected to any access point that does not pass through the single entrance-exit. Only construction of an additional access point within the boundaries of the development site from Anderson Road will overcome this fire hazard. On this basis alone, the Friends urge the Council to reject this current proposal for rezoning.*

### **proposed public realm interfaces 3.4**

#### **Interface type a: Park interface.**

*The inability of the developer and apparently Strategic Planning to distinguish between the form of a park and the form of a Garden no doubt accounts for the woeful interface design. The interface proposes features that are implausible, impossible or just plain insensitive in the actual setting. For instance, the proposal suggests concrete seating that will allow pedestrians to face in toward the Gardens. For most of the dwellings this is impossible since the pedestrians would then be facing a wall of shrubbery. The concept plans show mature trees in the Gardens at a distance of over a metre from the boundary when in fact they are on the boundary. The proposed footpath and utilities trench will cut through the root system of these trees and damage the trees. The concept drawings show a tree of approximately 5 metres high located within the one metre space between the dwelling boundary and the first floor balcony. This is implausible in Sunshine's clay soil. In addition, some of the dwelling open spaces will be beneath the drip line of mature trees within the Gardens.*

*Under the current proposal there is no requirement for a fence of any kind, despite the fact that a fence is an essential component of the Garden's design and the Friends requested this in their original feedback. The proposed barrier, a hedge linking with the existing hedge in the Gardens with concrete block seating set in a permeable line in front of the town-houses, will allow the drift of pedestrians through existing garden-beds along the southern boundary, forming "goat tracks" which is unacceptable and contrary to the design of the Gardens. It is also contrary to the Strategic Management Plan for the Gardens. Therefore a fence approximately the same height as the town house fences would be necessary. This would restrict access to the Gardens' path system from the development to specific openings. These should be located directly opposite cross paths in the Gardens, again to discourage goat tracks across garden beds and lawns. The current proposal does not have the paths linked to cross paths within the Gardens but randomly apparently as it suits the developer.*

*The overall width of the McKay link landscape is only 3 metres wide in which the concrete block seating, a 1.8 metre wide concrete path and electrical and communications services are to be located. The Friends have doubts that this is sufficiently wide to accommodate this infrastructure. The absence of a fence may allow contractors to gain a little extra width by stealth from the Gardens during construction. In addition, the planting at ground level in the Gardens is quite dense in places, consistent with the Garden's Strategic plan. This may become unacceptable to future residents as the setback of the McKay link town-houses is only 5 metres from the site boundary. Likewise, the irrigation pump in the Gardens makes a noise, it is entirely possible that dwellings so closely located to the Gardens' boundary may find this annoying.*

*There is no reference in the report to potential tree roots being damaged by service installation, etc or damage to overhanging branches by the balconies on the first floor and shadow structure on the 3rd floor which are even closer, at 4 metres, so it is likely that overhanging tree branches from existing Gardens' trees would be impacted by construction.*

*The fence is also required to define clear maintenance responsibilities and the extent of the heritage overlay.*

*No allowance has been made for the likely increase in air blown rubbish into the Gardens from the development site and there is no indication who will be responsible for this. There is no lighting or drainage included along the new pedestrian path. There is no indication of the provision of public rubbish bins nor who will be responsible for these.*

#### Draft Dev Plan, (DDP) section 4.3

*Entry Landscaping and Open Space: The entry landscaping shows as its main feature about 50% paving, apart from standard nature strip tree planting. This will only accentuate the heat island effect of the development and assist in vandals being able to access the side of the end town-house to apply graffiti. There is seating, but as the seating is not on a through route and some distance away from Anderson Road, is unlikely to be used, except perhaps for antisocial groups wanting to get away from the general public. The indicative formal hard edged landscaping shown in the is total contrast to the softer formal heritage landscape of the adjacent section of the Gardens, and as such is not sensitive to the Gardens and does not complement it at all. There is no attempt at transition landscaping along the cross paths connecting to the Gardens.*

#### Other Open Space and Landscape elements.

*The landscape plans and typical sections are deceptive as to how green the completed development is likely to be. There is no overlap or discussion of landscape proposals with the infrastructure plan, including such details as required services offsets, public lighting, etc. , all of which effect the location of tree planting and always take precedence. In the very tight conditions set out in the development plan, additional tree planting is very unlikely and the development will be less green than anticipated.*

#### Playground, "pocket park":

*On the estimation of the number and kind of dwellings proposed – 2 - children for 3 bedders and 1 child for 2 bedders- there will be roughly 200 children – in the development. The sole piece of playground equipment and the limited space of 500 square metres is manifestly inadequate.*

*"Connection to HV McKay Memorial Gardens allows for a shared use space for property owners and the general public" Given the extremely small size of this playground it is likely to be of little use to people using the McKay Gardens. "A 4m wide clearway for vehicle access is maintained through the parkland." What 'parkland is the developer referring to? There can be NO vehicle access through the McKay Gardens.*

#### Storm-water harvesting and reuse

*"There is a strong opportunity to provide storm-water to help support the irrigation needs for the H.V. McKay Gardens. Council has previously indicated that existing storage capacity at the tank within the Gardens could be augmented through additional top-up storage." The developer provides no other environmental measure to treat storm water run off from the development. The proposal to harvest storm water for the Gardens provides the developers with their ONLY acknowledgement of sustainability issues. However, it is clear that the proposal has been for additional storage to be held in the Gardens. This is unacceptable. The Gardens will cede no further land to facilitate this commercial development. There is no reference to who will be responsible for the maintenance of such a system.*

*The Friends of the McKay Gardens argue against the granting of rezoning amendment C148 as being:*

- contrary to good land use and planning principles,*
- as poor urban design*
- as failing to meet environmental and sustainability principles,*
- as failing to make excellent use of the land,*
- as failing to address the specific nature of the site,*
- as failing to meet the requirements of the McKay Gardens Strategic Planning Principles,*
- as failing to meet the Urban Forest policy and Open Space requirements.*
- As adversely impacting on the neighbouring properties namely the H.V. McKay Gardens and the Sunshine Presbyterian Church.*
- As adversely impacting on Sunshine heritage*

*The proposal is clearly an over development that has merely attempted to cram as many dwellings onto site as possible with no regard for the interests of the residents of Sunshine and no appreciation of the heritage value of the McKay Gardens. Council should reject this rezoning application.*