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Zoning corrections of public open space and anomalies in the Planning Scheme Am.
C380melb – Submission from the Association to the FMC 18 May 2021 Agenda Item 6.5
13 May 2021

To The Lord Mayor and Councillors of the City of Melbourne

In the Association's view, there are two major issues in contention:

- Whether or not an existing open space reservation associated with a full/partial road closure, or centre of the road median strip, should be regarded as an "ancillary open space" or whether the recreational and "greening" opportunities provided by these spaces should be regarded as their primary purpose.
- The second major issue in contention concerns the need, or otherwise, of any statutory process, to confirm the status of these open spaces.

Clearly, open space reservations associated with full or partial street closures would require a statutory process. In this context, the Association does not understand why this statutory process has not been completed in those situations where open space reservations have been in place for ten or more years. In our original Submission, the CRA gave the example of the Lytton Reserve which closed off Cardigan Street at Cemetery Road East.

In relation to Carlton's centre of the road median strips, the CRA believes that the historical context is important. Since, many of Carlton's medians were established over eighty years ago, and since the Council has spent hundreds of thousands of dollars [if not millions of dollars] over the decades maintaining and extending these valuable assets, we do not understand how their legal status as **primarily** parks can be in doubt. Further, since the streets where they are located were not discontinued [but reconfigured] we do not understand how any current discontinuance of road process can be applied retrospectively after so many decades of use. More specifically:

- The Association does not understand why Clause 8 of Schedule 10 to the **Local Government Act** "Power to narrow or widen roads" is not applied in those cases where a road is not being discontinued, but reconfigured to provide valuable open space and greening opportunities.
- While many median strips serve a diversity of purposes [from traffic control and calming to the provision of open space for recreational and greening initiatives] the Association believes that the generous width of many of Carlton's historic medians [at around 7 metres] results in these medians being MUCH wider than is required for any traffic control function. Under these circumstances, we argued that their primary purpose is to provide additional open space for greening and recreational initiatives. [See images on following page.] Quite simply, median strips and other reservations that primarily serve a traffic control function do not require 7 metres; the careful placing of bollards or raised kerbing would be more than adequate.
- In our view, these are just the kind of initiatives being supported in recently adopted Council reports. For example, the Hodyl + Co 2018 Report to Council **Sunlight access to public parks**, revises the tiered approach to protecting sunlight access to parks. **More specifically, it treats ALL parks as equal and acknowledges that often the most important park is the one closest to where someone lives or works.**

- It must also be noted that most of the streets of Carlton are NOT actually zoned as road reservations; instead, **most road space is zoned for residential, commercial and mixed uses**. Since buildings of any description are rarely located on roads, this extension of zones beyond the building line is very misleading. In this context, it would be much more accurate to replace these zoning categories with a **Public Park and Recreation zone** in those situations where the primary purpose of the reservation is **not** traffic control.

Finally, although the Association has withdrawn as a Party at any Planning Panel Hearing, we do urge the Council to acknowledge that many of our street based open space reservations deserve to be formally acknowledged in the Planning Scheme for the valuable greening and recreational opportunities which they provide.



Ewan Ogilvy [for the Carlton Residents Association Inc]



Carlton residents enjoying the Drummond Street Median Strip December 2019. Photographer: Emily Choo