



Newsflash

To: CRA Members

From: Sue Chambers, President

Re: The Latest News

Date: 29th September, 2003

Dear all

The **Main News** is that after 22.5 days of Hearing the VCAT case for the Eastern Precinct development is finished! In the last day each party had an opportunity to present a 30 minutes final submission. A copy of the CRA submission is included below. The gist of the submission is that the Planning Scheme provides insufficient clear and specific strategic support for the development, and that respect for the scale and form of the heritage buildings in the streetscapes surrounding the University East block is the key priority for new developments on the block. When asked by the Tribunal if an interim decision or refusal would be more acceptable, we opted for a refusal on the grounds that the management policy being pursued was driving the massive scale and design of the development. At this stage the Tribunal is making its decision and report. As soon as the findings are announced, we will let you know the outcome. CRA is most appreciative of the many pro bono contributions of experts and members who contributed to the presentation of our case.

CRA Christmas Party

This year's Christmas Party will be held as usual **at La Mama Theatre on Tuesday December 9th from 6.30 to 8.30pm**. Note the new date. All members are welcome. If you are able to come, please contact our Secretary, Colin MacNamara on 9347 3185 or candhmac@bigpond.com. Offers to help in the organization of the party would be most welcome.

1

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Planning

Our Planning Group has been monitoring planning applications as usual. We were pleased to see that the 137-139 Palmerston application for 12 student units was refused by Council. Other applications have been difficult to object to on planning grounds, including the demolition of the back of 42 Murchison Street and plans for student accommodation developments in the Leicester and Barry Street area. As you will know, developments and objections are assessed according to the Melbourne Planning Scheme which sets the strategic directions and planning controls for new developments. The Melbourne Planning Scheme can be viewed at the following weblink: <http://www.dse.vic.gov.au/planningschemes/melbourne/home.html>

NCCCS Report

As mentioned in the last Newsletter, public submissions are currently being sought for the Northern Central City Corridor Study Draft Report. The deadline is **November 7th 2003**. Details are provided at <http://www.doi.vic.gov.au/doi/internet/transport.nsf>

Local Community Forum for Carlton

The MCC Local Community Forum for Carlton will be held on **Wednesday 22 October 2003** at 6.00pm, Room 2, Kathleen Syme Education Centre. If you have any agenda items, please forward them to: email: lcf@melbourne.vic.gov.au or fax: 9658 9613 or mail: Local Community Forums, City of Melbourne, GPO Box 1603M, Melbourne 3000. This is an annual opportunity for the people in the Carlton community to meet with MCC Councillors and ask questions relevant to local government in Carlton. Councillors like to hear about the local issues: so do make use of the opportunity and attend the meeting if you are available.

Regards



Sue Chambers

President

The Carlton Residents Association's Final Submission for the Eastern Precinct VCAT Appeal

1. We appreciate that the VCAT process provides an opportunity for the application to be considered afresh on its merits by the Tribunal. As the hearing draws to an end we would like to record our gratitude to both members of the Tribunal for their patience and interest in the exhaustive airing of the issues in the many submissions and witness presentations.
2. In our view, the scale and bulk of the 11 storey complex would have a substantial long-term detrimental impact on an established and valued part of Melbourne. In the related case of 420 Spencer Street (P56/2003) the Tribunal concluded that the policy framework was insufficiently detailed and clear for a decision to support the application. Although the present case is different, we argue that the same fundamental weaknesses in the planning policy apply.
3. In the current case two distinct interpretations of what the planning policy and controls envisage for development of the Eastern Precinct site emerged: a "growth" view and an "established" view. Advocates for both views have used the planning policy framework to demonstrate support for their view. The Tribunal will have the unenviable task of determining whether the policy framework is sufficiently specific and clear to support a "growth" view of the University East area. In our view, even if a "growth" view were supported, the proposed development would fail the additional test that the new development would create an "equally attractive environment" with a built form of the scale and form mandated in the DDO46 schedule.
4. In support of the "growth" view the argument has been put that the authors of the DDO46 schedule must have considered that the combination of design objectives, built form outcomes and building heights would deliver the new built form envisaged for the area. It was claimed that the required respect for the heritage buildings on Faraday and Cardigan Streets would be satisfied if the setback behind the restored heritage buildings allowed the heritage buildings to be "read" as distinct buildings against the backdrop of a tall building. The backdrop buildings and juxtapositions of the old and new would delight the viewer, while satisfying the financial and security constraints of the project.
5. Advocates of the "established" view argue that the DDO46 schedule building height limit of 36 metres across the site is not a mandatory measure that must be achieved. Instead the DDO46 schedule allows for a clever development that must be primarily responsive to the established context of the site. We argued that the heritage residences to the east and north; the former Faraday Street school to the south, and the University campus buildings to the west are the continuing established context for new development in the University East block. If we were to return in 50 years we would expect to see the former Faraday Street School to the south, the heritage houses to the east and north and the new Potter Museum and Asia Centre. The hospital buildings to the south are seen as anomalous to the context rather than precedents. The Tyne Street development with its laneways, perimeter heritage buildings and non-intrusive scale new buildings is seen as a good example of a recent development which is responsive to the established character of the area.
6. The two perspectives rely on different interpretations of the planning policy framework to justify their position on the Becton development. In support of the Government's decision, (MCC-71, 12 December, 2002) the policy framework appealed to is the Metropolitan Strategy-Melbourne 2030 and objectives cited as being in Clause 21.04 of the Council's revised Municipal Strategic Statement (currently on exhibition). There is reference to education, research and development uses in Carlton and *"Support greater integration of the University of Melbourne and the RMIT University into the fabric of Carlton through enhanced access, connections and orientation of new development"*. The cited Figure 5 MSS Strategic Framework Plan has been found to be so unclear that the Council has

already agreed that it will be excluded from the C60 Amendment. In our view the current MSS should be given more weight than the exhibited MSS which is currently being reviewed. The conclusion we draw from the reasons provided by the Government is that there is no strategic policy cited that provides clear and specific support for the Becton development.

7. The University indicated via its witness, Professor Lee Dow that the University would be satisfied with a smaller scale student accommodation development, suggesting little commitment to a "growth" view of development on the site.
8. Mr Wright acting for Becton, provided a broader policy analysis to support a "growth" view. He cited State planning policy (Settlement Policy Clause 14 and Melbourne 2030) which encourages urban consolidation and high density and mixed use development near public transport routes; and also the Council's Municipal Strategic Statement policy which encourages student accommodation and the growth of Melbourne University.
9. In response, we argue that the Innovative City Outcome 2.1.2 cited by Mr Wright refers to medium-density development for student housing near the Universities. The relevant MSS response is for the encouragement of growth in the South Carlton Mixed Use Zone area (Maps 3 and 7) not the Eastern Precinct area. The many recent student accommodation developments in the Mixed Use Zone south of Grattan Street demonstrate consistency with the MSS policy and maps.
10. The current MSS Housing Opportunities Map 7 shows the Eastern Precinct block as an "existing stable" area rather than as a "growth area". We argue that these strategic directions support our "established" view of the DDO46 area. Mr Wright disagrees and argues that a Housing Opportunities map would not show the Eastern Precinct area because it is in a Public Use Zone. In fact the Eastern Precinct is shown within the "existing stable area" in Map 7. As well, in Outcome 4.1.2 growth of housing is encouraged in mixed use zones, as shown in the "growth" area in Map 7.
11. In his expert witness presentation for Becton, Mr Olszewski argued MSS support for the scale of the proposed building from the Urban Design Structure Plan shown as Map 12. The Map shows an area labelled as the Boulevard Axis which may (or may not) include the Eastern Precinct. The area has a white dot label which according to the legend denotes "opportunities for new defining points of Melbourne's character". We argue that Map 12 provides no clear or specific strategic support for the subject development.
12. More recently, Council in its submission on Melbourne 2030 (MCC-88) stated that the current DDOs and heritage overlays provide sufficient residential opportunities to meet urban consolidation goals. Major residential growth is proposed to occur in Southbank, CBD and the Docklands. There is no mention of support for major high density residential development in the Eastern Precinct.
13. In City Plan 2010 on page 19 the transitional areas for major developments show South Carlton, south of Grattan Streets (roughly the DDO44 and DDO45 areas) but not the Eastern Precinct site as a transitional area. Instead, the City Plan 2010 map for Carlton on page 77 indicates that redevelopment on the Eastern Precinct should "respect the heritage value and contribute to the diversity and vibrancy of the area". This objective contrasts with the design objective shown in the same Carlton map for development in the DDO44 and DDO45 areas. The objective for these areas is to "support the expansion of University of Melbourne and RMIT's education and research and development uses".
14. From these policies we conclude there is no clear or specific strategic planning policy to support the University East area as a growth area for the purpose of a high density student accommodation development such as the Becton plan.
15. In commenting on the policy basis of Clause 22.17 Urban Design Outside the Capital City Zone, Mr Wright argued that "there is no doubt that the subject site is in a growth area, and that the urban design policies should be applied accordingly". An implication of this claim is

that the application of Clause 22.17 policies for scale, context and building height should be based on the new development's response to the "emerging new built form". As argued above, we dispute the strategic policy basis for Mr Wright's claim that the DDO46 area is a "growth" area.

16. The second paragraph of the policy basis of Clause 22.17 appears to us to provide a more relevant basis for assessing new development in the University East area given the DDO46 schedule:

"Physical character forms a large part of the sense of place and identity of an area. It is important that the valued aspects of an area's character are not lost through redevelopment. Where the built form character of an area is established and valued, new development must respect this character and add to the overall quality of these urban environments".

17. This description appears to us to be apt for the interpretation of the Design Objectives and Built Form Outcomes of the DDO46 schedule's requirement for new development to respect the existing form and scale of heritage buildings on the site and in the surrounding area. Our interpretation of the nature of the DDO46 overlay is informed by a comparison with other Carlton DDO schedules.
18. DDO47 Central Carlton South and DDO48 Central Carlton North areas are clearly "established" areas with design objectives of respect for the low scale buildings and pedestrian amenity. In contrast the design objectives for DDO44 South Carlton and DDO45 Swanston Street areas clearly denote "growth" areas, with the use of the concepts "future character", "new built form" and "transitional".
19. In our view, the design objectives for the DDO46 schedule are more like those for the "established" (DDO47 and DDO48) areas than the "growth" areas (DDO44 and DDO45). **If this were not the case, it is unclear why the University East area would have a separate DDO schedule from the Swanston Street DDO45 schedule.** Our interpretation implies that all sections of Clause 22.17 policy should be applied in the assessment of new development in the University East area.
20. This difference in interpretation will need to be resolved by the Tribunal. Even if the Tribunal agreed with a "growth" interpretation, the test for new development in growth areas is for the creation of "a new and equally attractive environment" which meets the scale and form controls in the DDO46 Design Objectives and Built Form Outcomes. This means that the new development must respect the scale and form of the adjacent and surrounding heritage buildings. In our view the proposed 11 storey massive complex fails this test.
21. Mr Wright also argues that because the Eastern Precinct is in a Public Use Zone an institutional development such as the Becton plan would be expected. In our view an "institutional" development does not need to be as massive. Opposite the site, the Potter Museum and Asia Centre buildings are exemplary recent examples of institutions which are of a much lower scale and bulk than the Becton plan. Lower scale building could still meet the design objectives and built form outcomes of the DDO46 schedule. There is also no mandatory requirement that the development must be 36 metres high over such a large portion of the site.
22. Mr Wright cites the comments of the C20 Amendment Panel on policy for building heights in DDOs. Our interpretation of the Panel's recommended building height for the DDO46 area is based on the Panel's discussion of the University East area (pp.122 to 123). Based on the University's submission, the Panel expressed agreement that an exemplary building with a portion as high as 36 metres in the centre of the site could meet the design objective of integrating the University campus with the surrounding established residential area. No support is provided in the Panel's report for a massive building of the bulk and scale of the Becton plan.

23. Many witnesses provided recommendations for the kind of development they would prefer for the Eastern Precinct based on the "established" view. Several witnesses supported the idea of a Tyne Street extension through the block, and building heights along Swanston Street that were no higher than the Potter Museum and Asia Centre. The fall in the topography to the CBD has been cited as a reason for lower heights in the subject section of Swanston Street, consistent with the Council's Swanston Street Urban Design Guidelines. Several witnesses stated a preference for a lower building on the corner of Faraday and Swanston Streets both on heritage grounds and to increase sunlight access to the important public space at that corner.
24. Even the architect of the project, Mr Daryl Jackson, agreed that if he had his "druthers" he would prefer accessibility to Cardigan Street, the Tyne Street extension and a 4 to 5 storeys building height along Swanston Street. Mr Bryce Raworth also stated that if heritage factors were the consideration, a one to two storey building height across the block would be preferable. These ideas could be revisited if the Tribunal decided in favour of an "established" view of the University East area and rejected the current plan. The "druthers" expressed in this case demonstrate that both expert and lay witnesses envisage a more integrated and connected development for the block.
25. The "growth" versus "established" view of the area also affects people's judgments on heritage issues for the proposed plan. Given our "established" view of the area, our view on the demolition of the C-graded buildings in HO117 on Swanston Street, is that the demolition is not justified by the replacement building. The 11 storey complex would have a negative impact on the heritage significance of the area. Similarly for the other heritage considerations set out in our evidence, it is our view that Clause 22.05 policy principles should be met in full in order to achieve the MSS aim of conserving and enhancing the heritage significance of a very public area, highly valued by the Carlton community and the many daily visitors to Carlton.
26. With regard to car parking, in our view the evidence provided by Mr Grogan was limited in its accuracy and scope. We encourage the Tribunal to take into consideration three key factors specific to the current proposal: the number of businesses and people to be accommodated on the site and the car parking provisions at 5.5 (c), 21 and 24.1 of the Becton-University contract; the availability of parking spaces in the underground carpark and the TP96/1024 permit condition 8; and the high demand for on-street car parking in the immediate neighbourhood. Given these constraints, we encourage the Tribunal to give serious consideration to our car parking recommendations based on MCC traffic engineer Haig Poulson's recommendations (Attachment 8) for the site. We also disagree with Mr Wright's claim (p. 18) that pedestrian use of Faraday Street would be "maintained and enhanced". We encourage the Tribunal to consider carefully the impact of the proposed double cross-over on pedestrian amenity and the heritage streetscape significance.
27. In conclusion we bring to the Tribunal the widespread community concern that approval of such a large scale new development in a key block in Carlton would have a long-term detrimental impact on the neighbourhood. Good planning should deliver an innovative, exemplary development which respects the scale and form of the surrounding buildings and promotes a more attractive pedestrian space. In our view there is a lack of specific and clear policy support for the proposed Becton development.
28. The Tribunal is respectfully requested to allow the Applications for Review and direct that no permit is issued.

Sue Chambers
President
15 September, 2003