



Spring 2016

This edition - highlights

Working Groups

- * Planning
- * Forward Planning
- * REB and Carlton Gardens

Community News

- * Homelessness Overview
- * Candidates Forum Carlton
- * Aboriginal Freedom Fighters Monument
- * Toy Library for Carlton

The Carlton Residents Association Inc.
A0034345G
ABN 87 716 923 898
PO Box 1140
Carlton, 3053
carltonresidents@gmail.com
www.carltonresidents.org.au

Supported by the Community
Services Grants Program



Working Groups

Planning

The Brazen Demolition of the Corkman Irish Pub – What can we learn?

Ewan Ogilvy, Carlton Resident, November 2016



The Corkman or Carlton Inn prior to 15 October 2016

This heritage listed pub, formerly known as the Carlton Inn, was illegally demolished by developers over the weekend of 15/16 October.

We must thank the local residents and those active University of Melbourne Law students for alerting the wider community to this blatant act of vandalism, and initiating a most successful petition.

The illegal demolition quickly galvanised a wide range of groups to take action, including the National Trust, Melbourne Heritage Action and the CRA. With a flurry of media postings, it wasn't long before both the State Government and the City of Melbourne took action. By 27 October, both the State Government and the City had launched a joint action in the Victorian Civil and Administrative Tribunal to compel the owners to rebuild the pub. If VCAT ruled in favour of the government and council, an enforcement order would require a rebuild in line with the design, scale and layout of the demolished building.

The Minister for Planning also imposed a two-year design and development overlay over the site. This overlay requires the applicant to 'restore and reconstruct in facsimile the building at 160 Leicester Street, Carlton as it stood immediately prior to its demolition in October 2016 ...' According to the Minister Richard Wynne, 'We are also looking at new fines for

commercial heritage buildings so owners face tougher penalties for illegal demolition, fines need to be a deterrent, not the cost of doing business in Victoria.

Several observations can be made on what would deter developers to demolish valued heritage assets in the future.

For some time, city planners and other key stakeholders have maintained that there is a fundamental conflict between the development expectations promoted by the existing built form controls over this area of Carlton and the retention of valued heritage assets. When preferred maximum development heights, that are not mandatory, are combined with exclusion clauses that prohibit or severely curtail any third party e.g. resident objector involvement in VCAT proceedings, we shouldn't be surprised if some developers pay inflated prices for properties in the expectation that quite intense developments will be approved.

Heritage significance or valued use?

The heritage value of the Corkman Irish Pub was recorded as early as 1985 by Nigel Lewis, Architect, and confirmed as recently as 2013 by RBA Architects + Conservation Consultants. The emphasis of both assessments, certainly the most recent, has been on the historic and aesthetic significance of the heritage place. But, from an unpublished history of the Corkman and the recorded experiences of patrons of the pub, it is clear that this pub was equally, if not more, significant as a drinking establishment that also provided affordable accommodation.



*154-160 Leicester Street –
Site of former Carlton Inn/Corkman Irish Pub
Ewan Ogilvy 16 October 2016*

In this context, we note that the revised planning controls introduced by the Minister, although welcome, only address the fabric of this heritage place, not the valued uses. We rightly rail against the destruction of this heritage place; but, perhaps it is time for our planning authorities to introduce controls that will protect places that are important for valued uses that may have no heritage significance.

Finally, we must question whether the heritage purposes of the planning scheme are well served by requiring the applicant to 'reconstruct in facsimile' the former building, when the most recent heritage assessment concluded that only the two storey sections could be regarded as significant

or contributory. We must also wonder whether a totally discredited development company, that some observers believe should be deregistered, could ever achieve a satisfactory rebuild option.

Queen Victoria Market Renewal – a Reflection

Ewan Ogilvy, Planning Committee member November 2016

According to Malcolm McCullough, the CEO of the Queen Victoria Market, the Council is committed to several key outcomes; they include the following:

- Retain the unique atmosphere and authenticity
- Restore and return the market heritage sheds to where they stand today
- Leave the much-loved food halls just as they are, with only some minor restoration and renovation works; and
- Never build a supermarket or shopping mall at the Queen Vic Market

I suspect that most people would welcome these commitments.

But, the devil is always in the detail, as with most major projects. Over the three year life of the project to date, there have been several key milestones. These have included:

- The entering into an Agreement with the State Government (in September 2014) to transfer some Crown Land south of the Franklin Street stores to the City of Melbourne. This Agreement included a number of timing obligations, including the construction of a new Franklin Street by 2019
- The purchase of the historic Munro site; this was announced in October 2014
- The *Queen Victoria Market Precinct Renewal Master Plan* was endorsed by the City of Melbourne on the 28 July 2015. Prior to this endorsement, the Council had undertaken three phases of community engagement.
- The preparation of a Planning Scheme Amendment by the City of Melbourne. This amendment was formally exhibited from the 29 October to 4 December 2015, and considered by a Planning Panel appointed by the State Government in 2016 (this Panel reported in July 2016). At the Council Meeting on the 26 July 2016, the Amendment was formally adopted, without dissent. It was submitted to the State Government for approval on 11 August 2016.

In this brief review, it is not possible to address each of these milestones, so attention will be directed to the most complicated and potentially the most contentious element: the Planning Scheme Amendment.

There are several components of this Amendment; they include zoning (land-use) changes and revised built form controls, over both Council owned and privately owned land. These built form controls are included in a revised Design and Development Overlay (DDO) and a new

Development Plan Overlay (DPO). The documentation prepared by expert witnesses for the Council, material that was presented to the Planning Panel, runs to 100's of pages.

The Current Built Form Controls

Currently, the whole QVM Precinct, including properties north of A'Beckett Street between Peel/William and Elizabeth Streets is 'covered' by DDO14. This DDO includes the following key Design Objective: 'To ensure that development around the Market edges and within close proximity to the Market provides an appropriate scale transition from the low scale Market buildings towards the medium and high rise towers in the Central Business District.'

To achieve this objective, discretionary 'Maximum' Building Heights were established for six sub-areas within the DDO14 area. These 'Maximum' heights ranged from 7 to 10 metres for the market buildings and sheds, to 20 metres for the Munro site to 60 metres for those properties fronting A'Beckett Street. The DDO also includes an Exemption from notice and review clause that effectively excludes any interested party, resident objector, local business etc, from challenging any planning application considered to be an inappropriate development.

The New Built Form Controls

Under the new arrangements, the Council properties south of Therry Street and the new Franklin Street are covered by the new Development Plan Overlay (DPO 11). This DPO will permit new developments on the Munro site and the area south of the new Franklin Street to be 100 metres and higher (30 floors plus). The Table in the DPO also includes detailed guidance in relation to podium height, tower setbacks and tower separation.

The Amended Design and Development Overlay (DDO 14), that applies to the area south of the DPO, replaces the previous 'Maximum' building heights, with detailed guidance concerning podium heights, street setbacks, tower separation, and setbacks from side and rear boundaries. However, this revised DDO provides NO building height guidance, although the DDO Table does include a reference to a site plot ratio of 24:1 (whether a mandatory or discretionary maximum, it is not clear). In that section of the table which addresses side and rear boundary setbacks, it is clear that buildings over 100 metres high (30 floors plus) are contemplated. The revised DDO also includes an exemption from notice and review clause.

In summary, the revised built form controls that will apply to the newly acquired Munro site and areas south of the new Franklin Street, will permit a massive intensification of new development. Given the discretionary nature of the controls, and the exclusion of third party stakeholders from any meaningful role in reviewing planning applications, the demolition pressure on lowly graded heritage places will be intense.



The Munro Corner



The Franklin Street Stores

Observations

According to the City of Melbourne website, 'The amendment seeks to balance the heritage of the market precinct with the right type of new development in the precinct.' Further:

Since the current built form controls for the area surrounding the Queen Victoria Market were introduced, the city has undergone significant change. Development controls need to be updated to recognise that the market precinct is part of the growing central city.

In addition, the existing height limits are discretionary [and] have not effectively controlled building heights in the area.

This last claim is extraordinary. If the existing built form controls are discretionary AND third party involvement in reviewing contentious applications is all but excluded, should we be surprised that the controls have not been effective?

If planning authorities wish to ensure that development respects and maintains the heritage significance, low scale built form and valued public realm attributes of an area, they introduce mandatory controls, as in Melbourne's landmark Bourke Hill area. This valued area of Melbourne, that includes most of the block bound by Lonsdale, Spring, Little Collins and Exhibition Streets, includes THREE sub-areas where mandatory building heights apply.

If relevant for Bourke Hill, why not the Queen Victoria Market Precinct? Given that the Council has applied for a National Heritage listing for this precinct, a precursor to a World Heritage Listing, it would be hard to imagine another precinct in Melbourne more deserving of meaningful planning controls.

Working Groups

APP No./ADDRESS	DETAILS OF WORK/CRA INTEREST
Previous Carried Forward – TP-2015-583 391-395 Rathdowne St Objection	* CoM issued NOD to grant permit which largely addressed CRA’s concerns however, applicant appealed permit conditions. VCAT hearing awaited. No further CRA action anticipated.
TP-2015-742/A 86-94 Pelham St. Objection	* 8 Storey mixed use in a 4 storey preferred height DDO with heritage implications. A mediated VCAT outcome resulted in a permit for 7 storeys with accompanying setbacks. Applicant re-applying for a variation. CRA awaiting details.
TP-2015-1146 122-136 Berkeley St Objection	* 12 storey mixed use, CRA’s concern is excessive height, and unloading. CoM issued permit conditional upon reduced height at eastern end of site and transfer of land ownership to CoM to facilitate a trafficable laneway at rear.
TP-2016-259 599-605 Swanston St Objection	* 15 storey student accommodation proposal. CoM issued NOD to issue permit with relatively minor concessions, a nominal reduction in height and setback from Swanston Street.
TP-2016-474 435-439 Cardigan St Objection	* Additions to existing student accommodation. CRA is comfortable with proposal subject to an appropriate site management plan being imposed.
TP-2016-510 163 & 165 Canning St Objection	NOD to issue permit which addressed CRA’s concerns. * Demolish two dwellings and construct two new dwellings in an existing level 2 heritage streetscape. CRA requested that a heritage report be sought. CoM processing.
TP-2016-516 141 Barry St	* Alterations to existing building. CRA has no concerns. Permit issued.
TP-2016-545 43 Nicholson St	* Alterations to dwelling Permit issued, no CRA concerns.
TP-2016-585 106 Cardigan St	* Construct a balcony deck above existing garage. Com processing, CRA has no concerns.
TP-2016-592 17-25 Lygon St	* RMIT - Additional two storeys for use as child care facility. Permit issued , CRA has no concerns.
TP-2013-736/A 152-154 Queensberry St	* Seeking amendments to existing permit for change of use for floors 1-10 from dwellings to serviced apartments. CRA has no concerns.
TP-2016-644 10-20 Drummond Place	* Re-subdivision (convert 3 lots to 2) CRA has no concerns.
TP-2016-663 254 Rathdowne Street	* Part demolition and additions to existing dwelling. CRA has no concerns. CoM processing.
September-16 Applications-One new objection. TP-2016-798 197-235 Bouverie St Further information awaited on three TP-2016-735 152 Lygon St -(Mawal Restaurant) TP-2016-755 70-72 Neil St TP-2016-825 16-32 Leicester St	* Melb Univ. Grad House. Part demolition and construction of 11 storey student accommodation. * Alterations to existing retail tenancy. * Demolish existing outhouses and construct additional dwelling on site. * Demolish existing building and construct student accommodation.
October-19 Applications - Two new objections. TP-2016-864 10-20 Drummond Place. TP-2014-1011/A Clyde Hotel 377 Cardigan St Further information awaited on seven.	* Const 2 new dwellings, CRA concerns relate to heritage issues. * Proposed roof top bar. CRA concerns relate to trading hours and noise. * Refer to CRA’s website for further details
November - (01 to 25) 4 Applications – No objections as yet. Further information awaited on one.	* Refer to CRA’s website for further details

Planning Report

At the beginning of each month, the CRA's planning sub-committee meets to consider the previous month's planning applications for the area covered by 3053 postcode. The committee is particularly alert to the following:

- overlooking or any other loss of amenity to neighbouring properties
- loss of amenity to the wider surrounding area (bulk, aesthetics, car parking)
- whether the application conforms to the Council's planning scheme, including heritage and height constraints.
- internal amenity (chiefly in multi-dwelling developments)

The City of Melbourne easy to use online search facility, the *Town Planning Permits Register*, provides information on the status of Planning Permit Applications Search by application number or property address.

<http://www.melbourne.vic.gov.au/building-and-development/property-information/planning-building-registers/pages/town-planning-permits-register.aspx>

Please alert the Planning Committee to any potentially contentious developments. planningcra@gmail.com

Forward Planning

Forward Planning Working Group update

The CRA Forward Planning Working Group has continued on a plan for CRA. The second round of stakeholder consultations has been finished and we are now analysing and putting together the three sets of data collected: CRA member survey; statistics, policies and plan for Carlton; stakeholder interviews. This has lead us to compile a picture of CRA strengths, weaknesses, opportunities and threats (SWOT) based on the data. The gathered information will be tested with the Committee in November and then revised. The revised SWOT will be used as a building block for the strategic planning process. We aim to start the planning process early in 2017.

Please be in touch if you would like more information or to be involved in any way. farida.fleming@gmail.com

REB and Carlton Gardens

Project for the protection and promotion of the Royal Exhibition Building (REB) – Project Delivery Fails to Meet Community Expectations'

In 2012, Museum Victoria (MV) received a Federal Government grant of \$20m to be used for the Royal Exhibition Building's Protection and Promotion Project. The Coalition of Resident and Business Associations (CoRBA) response on behalf of the community to MV's application to the Federal Minister for a permit, expressed

these concerns:

- lack of consultation and governance
- concern that the original intent about outcomes will not be met (no plans for the REB historic museum or interpretation of the site's history)
- concerns about planned building works and their negative impact on heritage values
- concern about commercial uses such as café and proposed kitchens in Stage 2, and the emphasis on 'commercial' vs 'public access and education'
- compromise of world heritage values.

Find out more about CoRBA's Community response to the Minister by visiting <http://corba.org.au/>.

An interesting question is 'How much of the \$20m has been spent designing the new features eg café, which are scheduled for Stage 2 and unfunded at this stage, and understood to be non-compliant with the relevant Melbourne Planning Scheme provisions and the REB and Carlton Gardens Conservation Management Plan?'



Meanwhile, delay continues as the process requiring Heritage Victoria to provide advice to the Federal Minister which inter alia, takes into account public comment, runs its course. The flow of information from MV to keep the public properly informed has ceased altogether but was never more than a trickle. The Project Agreement created subject to the provisions of the intergovernmental Agreement on Federal Financial Relations in relation to performance reporting and payment arrangements, does not rate a mention on the MV website.

We as a community need to accept that its lobbying the Federal Government for funding has made this project wholly and solely, a possibility.

Melbourne International Flower and Garden Show – MIFGS Licence renewed

Just prior to the recent elections, Council approved a new six year licence (2018 – 2023) subject to satisfactory completion of the 2017 event and all necessary approvals including the grant of a licence to use the Carlton Gardens.

In October, CoRBA convened a meeting with the Director, Heritage Victoria (HV) to seek changes to the permit for the 2017 Show and thereafter. The concerns raised on behalf of the community at the meeting were well received on these issues:

- Improved access to documents (the Friends of REB and CG have lodged an FOI request)
- Eliminating conflicts of interest and the lack of transparency arising from the use of heritage consultants
- Better conservation measures by controlled foot and vehicle traffic and the re-location of high impact display structures to hard standing
- Use of the auditor-general model of total economic benefit.

CoRBA and the Friends look forward to the HV Director's formal response on the permit changes for MIFGS 2017. The reply from the FOI Unit about access to an internal report has placed us in a 'holding pattern for 60 days pending the International Management Group's (IMG) decision to appeal to VCAT or not over its release.

Community News

Homelessness Overview

<http://www.melbourne.vic.gov.au/community/health-support-services/social-support/Pages/homelessness.aspx>

The City of Melbourne is working hard to reduce homelessness in Melbourne. The Council's role is as a coordination hub that also provides funding, research and information. The above link gives information on the following City of Melbourne policies:

Homelessness Strategy 2014-17

The Homelessness Strategy 2014–17 guides the work to develop sustainable pathways out of homelessness.

Homelessness programs

There are four areas of work to reduce homelessness: programs and support, providing information, coordinating networks and undertaking research.

Homelessness and local laws

The officers respect the rights of people who are sleeping rough. As the city's local government body we also have a responsibility to maintain public health and amenity.

Begging

The City of Melbourne recognises that some people are faced with a dilemma if asked for money by people who beg. The reasons for begging are complex.

(There have been some issues with begging in Carlton streets. Police encourage the report to 000 of any aggressive behaviour witnessed in the streets.)

Helping Out booklet and map

The booklet and map provide a comprehensive list of free and low-cost services available from organisations in the central city and surrounding suburbs.

Street Count

Information is collected about people sleeping rough within parklands on streets and in other key areas of the municipality.

Emergency homelessness support

- Call Salvation Army Outreach teams on 1800COMMUNITY
- Drop into Salvation Army headquarters at 69 Bourke Street, Melbourne VIC 3000
- Contact LAUNCH housing's Rough Sleeper Initiative (RSI) 8598 1125
- Drop into Frontyard Youth Services at 19 King Street, Melbourne VIC 3000 or call 1800 800 531
- Contact Streetworks for minors (under the age of 17 years) 131278 or 1300 664 977.

Omotayo's visa appeal

Many in CRA will know of the asylum plight of Omotayo Daib, the Community Hub Officer at the Kathleen Syme L and C C. The appeal has met the criteria to be considered directly by the Minister for Immigration, which only 0.01 per cent of cases meet. Omotayo and his family have been granted a two-month visa while they wait for the Minister's response. An important step and wonderful news. Thanks to all the CRA members who supported the appeal. Go to the CRA website for more information <http://carltonresidents.org.au/>

Candidates Forum Carlton

Melbourne City Council Elections 2016

A healthy turn up of local residents was there to greet the speakers at the CRA-organised Melbourne City Council Candidates Forum on Monday 3 October, about two weeks out from the postal ballot close. The Church of All Nations once again showcased its hospitality skills for the occasion. The evening was ably facilitated, and at times mediated, by Brian Shanahan, himself a former councillor.

The speakers presented a contrasting variety of styles. They ranged across the spectrum from the slick, entertaining and 'quotable quote' pitch of the veteran, ex-State Government politician to the earnest and meticulous laying out of policy and ideas by the newly minted candidates. The latter

approach was somewhat limited by the strict time limits imposed. While the energy level of the speakers varied greatly, the audience space was the whole time filled with affirmative or negative rumblings and half-heard commentary as each point was being made. The evening took the form of: a four minute presentation by each candidate representative; question time; a two minute wrap-up by each representative.



Candidates Forum at Church of all Nations CAN

The Lord Mayoral teams presented first, followed by the councillor groups and individual candidates. By way of explanation, the first category consisted of candidates who were part of a team that included a Mayoral candidate, whereas the latter was for candidates standing individually or as part of a team, but without a Mayoral candidate.

It was notable that the current Doyle team did not send a representative to the forum.

There was a wide range of issues presented but also some strong, recurring themes. Those that appeared to be repeated the most were:

- Open, transparent council decision making;
- Heritage and urban environment versus unmanaged development, including high rise;
- The homelessness problem – people living and sleeping on the street in the city;
- The Vic Market development;
- Sustainability and reduction of waste.

The facilitator had his hands full and showed lots of skill in managing question time, which was intended to be between the audience and the candidates. In actual fact it included a lot of animated interaction and debate directly between the candidates.

An informative, educational and very entertaining evening.

**IT'S TIME TO JOIN CRA :
DO IT TODAY!**

Join online via the following link -

<http://www.trybooking.com/NTQA>

The Newly Elected Councillors for the City of Melbourne

Lord Mayor Robert Doyle

Phone: 03 9658 9825

Email: lordmayor@melbourne.vic.gov.au

Deputy Lord Mayor Arron Wood

Email: arron.wood@melbourne.vic.gov.au

Councillor Michael Caiafa

Phone: 03 9658 9636

Email: michael.caiafa@melbourne.vic.gov.au

Councillor Rohan Leppert

Phone: 03 9658 9051

rohan.leppert@melbourne.vic.gov.au

Councillor Philip Le Liu

Phone: 03 9658 9630

Email: philip.leliu@melbourne.vic.gov.au

Councillor Kevin Louey

Phone: 03 9658 9170

Email: kevin.louey@melbourne.vic.gov.au

Councillor Cathy Oke

Phone: 03 9658 9086

Email: cathy.oke@melbourne.vic.gov.au

Councillor Nicholas Reece

Phone: 03 9658 9704

Email: nicholas.reece@melbourne.vic.gov.au

Councillor Tessa Sullivan

Phone: 03 9658 9056

Email: tessa.sullivan@melbourne.vic.gov.au

Councillor Jackie Watts

Phone: 03 9658 8580

Email: jackie.watts@melbourne.vic.gov.au



The new mural at Museo Italiano - a chance to celebrate the Italian migration story that shaped this country.

Aboriginal Freedom Fighters

Monument Opening

On 11 September 2016 an appreciative crowd gathered at the intersection of Victoria and Franklin Sts, to celebrate the unveiling of a memorial to commemorate Indigenous freedom fighters Tunnerminnerwait and Maulboyheenner. The men had paid the ultimate price for taking up arms to defend themselves against the invasion of their lands and the genocide of their people. In 2012 the City of Melbourne committed to funding a public memorial to honour the Aboriginal men. Artists Brook Andrew and Trent Walter were commissioned to create the work, titled *Standing by Tunnerminnerwait and Maulboyheenner*.



The monument is unveiled honouring the freedom fighters

The monument unveiling began with a Welcome to Country, and was followed by special guest speakers including Dr Joseph Toscano, convenor of the Commemoration Committee, and Carolyn Briggs, Elders Spokesperson for Boon wurrung Elders Land Council. Joseph Toscano stated that there is need to acknowledge the past to understand the present and change the future, and hoped other communities would 'follow our example and take up the struggle to build monuments to the tens of thousands of Aboriginal and Torres Strait Islanders who paid the ultimate price resisting the colonisation process'. Melbourne City Council was represented by Crs Jackie Watts, Kathie Oke and Rohan Leppert, who played vital roles in bringing the monument to reality.

Tunnerminnerwait and Maulboyheenner were among five Tasmanian Aborigines who conducted a campaign of resistance to European settlement in 1841. Successfully trapped and captured by three military expeditions, they were found guilty of the murder of two whalers, on circumstantial evidence in a court in which they could not make statements in their own defence. Clemency was requested by the Jury, but refused by colonial authorities in Sydney.

On 20 January 1842 the men were led to a scaffold near the memorial site. Some 5000 people, who accounted for a quarter of Victoria's white population, watched in a carnival atmosphere, with many of the women dressed up in their finest clothes for the 'special occasion'. A group of First Nations people watched from a distance. The men are buried outside the Old Melbourne Cemetery under the current Queen Victoria Market.

Aboriginal armed resistance continued in Victoria until the 1850s.

At last – a Toy Library for Carlton

For a number of years CRA members Jackie Watts and Greta Bird have lobbied intensely for a much needed toy library for Carlton. The case was pressed with State Members of Parliament, the Office of Housing and Victorian Dept of Human Services on the basis of the grave injustice of privatising 3.5 hectares of space on the Carlton Estates, despite the desperate need for additional public housing and community resources. It was suggested that a partial amelioration to the Carlton community would be to cede the vacant chapel on the redeveloped old Queen Elizabeth Hospital site in Cardigan Street.

The DHS and OoH officers eventually agreed, and ceded the building to the City of Melbourne for use as a toy library. Now beautifully renovated and well stocked, the toy library celebrated its official opening on Saturday 20 August. It's a wonderful Carlton asset, and now being enjoyed by parents and children, not only from the Carlton Estates, but from as far afield as Docklands and Port Melbourne.



Greta Bird and Jackie Watts at the Toy Library

Being run by volunteers limits the Toy Library's opening hours. Additional volunteer help is always welcome. Would any CRA member - retired perhaps, have time to help with extending the opening hours of this important service to our community? If interested, please contact Jessica Hockey : jjessica.hockey@gmail.com