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VCAT Reference : P843-2015 Submission for 66 - 68 Lygon Street Carlton

The Carlton Residents Association advocates on behalf of its members to preserve heritage values and the amenity of Carlton through the conservation and maintenance of existing buildings and streetscapes and ensuring sympathetic redevelopment.

Maintaining the inherent virtues of the public realm in this precinct of Carlton benefits the community as a whole, but for the residents and members of CRA this public realm is an integral part of everyday life.

The CRA strenuously objects to this application and we support the City of Melbourne's refusal to grant a permit. Our principal concerns are:

1. The proposal fails in its response to the current planning scheme.
2. The height, scale and bulk are all inappropriate for this location.
3. This proposal would diminish the heritage value of this highly acclaimed south east corner of Carlton, which is a collection of intact, low scale, late 19th and early 20th century buildings.
4. The proposal does not provide the planned transitional development from the higher built form in the west and the CBD to the south.
5. The proposal is inappropriate in such close proximity to the UNESCO heritage graded Royal Exhibition Building.
6. Serious over shadowing of residential private open space and over shadowing of adjacent Lygon Street.

The City of Melbourne has provided a detailed assessment of this application and has identified the specific areas of compliance and conflict with the ordinances, with which CRA is in general agreement. CRA's following comments will be more general in nature.

The Planning Scheme General

The tool, that we use to assess the appropriateness of this application, is The Melbourne Planning Scheme. It is hardly a scientific instrument, being largely discretionary with little or nothing being mandated.

The differing interpretations generated in it's application are rarely more marked than they are with this proposal, where expert witnesses of the same discipline express diametrically opposed views.

The witnesses for the Responsible Authority appear to have been guided by the intent of the scheme, whereas the witnesses for the Applicant appear to have to been more creative and produced interpretations to support the proposal, many of which CRA challenge. Refer later.

Built Form

The low scale built form of south east Carlton has very few intrusions which exceed the height of the current four storey 'Downtownner'.

There is one major exception, the anomalous Panorama building at 1 Queensberry Street, which predated more enlightened and appropriate planning controls. This does not however justify perpetuating further inappropriate development.

In short, the subject site is generally surrounded by low scale buildings, and the combined height, scale and bulk of this proposal makes it a physical misfit for this location, even without heritage constraints.

Figs. 1 & 2 demonstrate the extent of the low scale nature of this area.

Heritage

The high heritage value of south east Carlton is widely acknowledged, eg citations in:

Register of the National Estate c 1981 - Carlton Gardens Conservation Area.
Ministry for Planning - 1986 - Urban Conservation Areas - South Carlton.

'South Drummond Street area is one of the most coherent areas of 19th century housing in Melbourne and includes buildings dating back to 1864'.

The quotation above is an extract from the register above.

Many of the low scale buildings that make up this south east corner of Carlton have changed little since they were built 100 plus years ago and in no small way, is the result of the enforcement of the planning and heritage controls that have prevailed.

Heritage overlay HO1 infers another layer of criterion to be satisfied beyond other planning controls. CRA accepts the City of Melbourne's detailed assessment, so there is no point in reiterating in detail here.

CRA does believe that this proposal is not consistent with the provisions of the Planning Scheme and seriously diminishes the acclaimed high heritage value attached to this precinct of Carlton.

The current acclaimed heritage aesthetics, which have prevailed for the past 100 plus years, will be corrupted for the next 100 plus years should this proposal be allowed to proceed.

Transition

The planning controls in this part of Melbourne have long aimed to provide a physical transition from the higher built forms of the CBD in the south and those of the Swanston Street spine in the west, to the low scale built form of eastern Carlton.

In this context, even DDO44 is considered, by many, to be too generous for the existing low scale heritage building stock of the area. A height closer to that of the existing 'Downtowner' being more appropriate.

The subject to this appeal is the antithesis of this transition philosophy. It exceeds the 'perfect world' height three fold.

The north south transition must respect the Trades Hall Building and not contrast with it. Optimally, the east west transition would be predetermined by the RMIT building on the south west corner opposite.

UNESCO Graded Royal Exhibition Building

The Commonwealth Government has allocated substantial funds (\$20M) for the restoration and enhancement of the World Heritage Listed Exhibition Building, including the reinstatement of the viewing platform. This was confirmed in the media last week by Dr J Patrick Greene. It will be actively promoted as a tourist attraction for local and overseas visitors. Refer Attachment 'A'

It is acknowledged that the views towards and of the REB are of primary concern, however, in light of the above, it would defy logic to suggest that the view from the historic dome viewing platform is not also an important consideration. An opinion well expressed by the following:
Extract from

World Heritage Environs Area Strategy Plan: Royal Exhibition Building & Carlton Gardens p16

As noted above, the Promenade deck constructed at the base of the dome originally allowed exhibition visitors to have elevated views of the surrounds including some key landmark buildings. These historically included Parliament House, the State Library, Supreme Court, the town halls of Fitzroy and Collingwood, various church spires, and the distant tower of Government House. Views to many of these buildings are no longer available from the deck (due to intervening development), but current views nevertheless take in both the immediate nineteenth century context as well as revealing the extent of change to the south, south-west and south-east in particular. Several of the views from the deck which were photographed in the 1880s and later nineteenth century are illustrated at

Appendix 2 together with corresponding contemporary views included for comparison (see Figures 28- 37).

In terms of significance, the views out of the site help to demonstrate and reinforce an understanding of the original nineteenth century context and contribute to an appreciation of the largely intact nineteenth century setting.

By virtue of its 13 storeys and its modern facade, the proposal at 66-88 Lygon street would be a severe intrusion into, and contrast to, the predominately low scale Victorian rooftop panorama to the west of the Royal Exhibition Building also illustrated by Figs 1 & 2.

Over shadowing

The amenity of the private open spaces of the Drummond Street residences nos. 47-53 will be seriously diminished in the afternoons.

The public realm of Lygon Street, south of Queensberry Street, is largely unaffected during the statutory period at equinox, however Lygon Street being a major tourist eating attraction that it is, justifies consideration beyond the strict 11am to 2pm . The sunlight deprivation to the heavily trafficked pedestrian area of Lygon Street, south of Queensberry Street, is quite severe before 11am.

Transitional Change

Due to the the high heritage value of the existing building stock with the inherent protection and the limited availability of redevelopment sites in this part of Carlton, it cannot be considered an area in transition. The area has been and is, extremely stable and the built form to be respected is the existing. There is no reason or justification to suggest an emerging or replacement built form is appropriate.

Challenges

CRA strongly disagrees with much of the evidence submitted in the Town Planning, Urban Design and Heritage Reports.

The following commentary is far from exhaustive and only relates to the heritage report by Mr Raworth, however it is representative of our concerns with the supporting evidence that could be regarded as being unduly positive.

Clause 5.0 -9

Here, the mixed character of the immediate surrounding area is exaggerated. It is primarily the area west and south of Queensberry Street that is referred to and then, there are only a handful of buildings that marginally exceed the height of the existing 'Downtown'

Clause 6.0 - 13

The 4 and 6 storey modern buildings referred to are of similar height to the adjoining 3 storey Victorian Lygon Building, as shown in Fig 7.

Clause 6.0 - 14.

The 5 storey buildings referred to hardly 'dominate' nor do the buildings 'of little or no heritage interest' Actually there is nothing prominent in this block and very little of it is higher than the existing 'Downtowner'

If 5 storeys dominates the west side of Lygon Street south of Queensberry Street, what would 13 storeys do to the east side of Lygon Street?

Clause 6.0 - 16

The two buildings referred to are in excess 0.25 km away and provide the high 'book-end' in the west to east transition, that CRA maintains should be observed, for a good planning outcome.

The 5 storey development at 106 Queensberry Street approximates the height anticipated in providing the west to east transition. It is little different in height to that of the existing 'Downtowner' and highlights the excess of the 13 storeys proposed for the subject site.

Clause 10.0 - 40

It is difficult to understand the logic adopted to arrive at the stated opinions expressed in this clause. The fact that the heritage overlay and the DDO affecting the subject site are in apparent conflict, should prompt the question, which one is anomalous.

A quick walk around this area would convince even a lay person that the intended planning outcomes for this area would be better served by the Heritage Overlay taking precedence.

Clause 10.0 - 41

Comments above at clause 6.0 - 16 are relevant here, and 200 -204 Lygon Street is less than half the height of this proposal and again over 0.25 km distant. Like most of the other examples of larger buildings identified, they are distant and most of them are substantially smaller than the proposal under consideration, approximating the height of the existing 'Downtowner'

Clause 10.0 - 43

The CBD backdrop is indeed distant, the buildings either comparable or larger in size are in excess of 0.5 km away and form the high 'book-end' of the south to north transition that the planning scheme calls for.

Clause 10.0-44

Quote 'accepting the impossibility of concealing such a tower form' highlights the inappropriateness of this architectural form for this heritage precinct. None of the measures seeking to respond to 'the requirements of the Heritage Overlay Sensitive interface in heritage terms' can negate the physical presence of this tower and as a consequence no comment is made in regard to Clauses 10.0 - 45 to 48 which pursue this.

Clause 10/0 - 49

The claim that this proposal 'would have no appreciable impact upon the identified significance of that place or upon its valued character and appearance' based on its proximity ignores the contrast of the 8 - 9 storeys of the tower above the low scale surroundings.

In terms of significance, the views out of the site help to demonstrate and reinforce an understanding of the original nineteenth century context and contribute to an appreciation of the largely intact nineteenth century setting. (from above)

Clause 10.0 - 50

The claimed justification on the grounds of urban consolidation does not stand up to scrutiny. The City of Melbourne has spent considerable time and resources identifying those areas within the municipality that are appropriate for consolidation and south east Carlton is not one of them. Melbourne has and continues to provide scope for urban consolidation in other areas, refer Attachment 'B'

Summary

The existing 'Downtowner' may not be architecturally iconic, but nor is it ugly. It is a relatively recent arrival in this late 19th century precinct, but it does not intrude or compete with its heritage neighbours, it just sits there.

In contrast, the combined scale, bulk, height and architectural treatment of this proposal will be very confronting and will dominate this low scale heritage precinct regardless of direction of approach.

Warren Green
for The Carlton Residents Association Inc..

18 August 2015