

unChain Newsletter
December Quarter 2013

To comment on this Newsletter, email unChain at unchaininc@gmail.com. You can also go to our website for more information, www.unchain.org.au

Annual General Meeting

unChain held its AGM on Sunday 24 November. The meeting decided that the new committee would consist of 4 office bearers and 4 other members. The meeting then elected the following:

- Catherine Sharples President
- Trevor White Vice President
- Richard Roberts Secretary
- Peter Holland Treasurer
- Dave Fernandez member
- Peter de Groot member.

The AGM also set the annual subscription at \$20. This is payable on 1 July 2014. The Treasurer's report showed that unChain Inc had \$4,457 in bank on 30 June 2013 with an inventory of unsold prints worth \$2800.

The unChain Committee

The committee meets monthly. There is a subcommittee for the Triangle Development and a subcommittee for Fishermans Bend. There are two vacancies on the new committee. Any member interested should contact Catherine Sharples on unchaininc@gmail.com.

Resignation of General Manager of Environment and Planning

Port Phillip Council needs an effective CEO and an effective General Manager of Environment & Planning. The General Manager will be the key person for issues like the St Kilda Triangle, the 96 Trams project, Fishermans Bend, affordable housing, the new neighbourhood zoning system and many others.

Our newly appointed Manager Environment & Planning has resigned. Mr Snow is an urban planner who is recognised nationally for his award winning urban design excellence. Unfortunately he has been head-hunted by Canberra and so the Council has to appoint a replacement. We hope that Council will be able to appoint an equally eminent planner for this crucial position.

Yarra Trams/PTV proposals

Yarra Trams and Public Transport Victoria have plans for the 96 tram route that will have significant impacts on Acland St and Fitzroy St. The proposed plans have issues relating to traffic management and flow, impacts on local traders and residential amenity. unChain supports a sustainable, reliable and accessible transport system.

Criticism of the plans and PTV consultation process led Council and PTV to set up two Community Reference Groups, one for the Fitzroy St and one for Acland Street. unChain President Catherine Sharples was on the Fitzroy St CRG and unChain members Marcus O'Reilly and Grant Rickey were on the Acland St CRG. The result is that the current position is much better than the original PTV proposals.

Acland Street

It is not possible to 'do nothing' in Acland St because PTV has made a policy commitment to make Route 96 the first fully accessible route in Melbourne. The government has bought new 'E-class' trams for the 96 route. These carry more passengers but are only slightly bigger (1.5m) than the current Bumblebee trams. In addition, PTV has a legislated requirement to provide disabled access to all tram stops in Melbourne.

The problem with the PTV's original proposal for Acland St is that it created a tram-dominated mall. There were three alternatives: The traders wanted the terminus at Luna Park with an historic tram on a single track linking to Barkly St. Another possibility was to have a 'split terminus' with some trams going to Barkly St and some going stopping at a new terminus at Luna Park. The third was to have the terminus at Barkly St as the PTV proposed but to significantly improve it from the point of view of residents and traders.

A fundamental constraint is that PTV must agree to any proposals for the 96 route. The PTV through the Minister for Roads is the decision-maker, not the Port Phillip Council.

PTV insist that there must be an interchange between bus and trams services at Barkly and Acland Streets that does not reduce the current level of service. PTV will not agree to a terminus at Luna Park that would make Acland St 'trams-free' and cut the link with the Barkly St buses. Also the PTV said that it was not technically possible to build a terminus at Luna Park and the Council paid for an independent expert report that confirmed this position.

Council therefore has approved a double terminus at the Barkly St end of Acland St but the discussions through the Community Reference Group have led the PTV to significantly improve their original proposals. Originally PTV had a 'non-negotiable' requirement that cars could not share or cross the tram tracks along Acland Street.

The option Council and PTV have approved has a plaza at the Barkly St end. There would be one-way car access between Irwell St and Belford St. There would not be through traffic all the way along Acland St into Barkly St. Shakespeare Grove would be one way with either left hand or right hand turns permitted into Acland St. The parallel parking would be removed and the pedestrian path widened. No trees would be removed under this plan.

The next step will be for Council to put out a brief for designers to consult with the local community and users of Acland Street over summer about a vision for the street. This will feed into a process to produce a concept design. It is envisaged that construction will take place in the winter of 2015, so as to minimize disruption.

unChain will continue with our involvement with the community in order to explore ideas for the future of Acland St. In particular we will keep in contact with people who responded to our questionnaire on Acland St. Issues include:

- What makes pedestrian malls and plazas succeed or fail? What can be learned from other examples – e.g. Federation Square? How can this be applied in Acland St?
- Can the terminus be located 'off-centre' to permit either a full plaza that prevents through traffic on Acland St or a half plaza that allows Acland St to have one-way through traffic? Should this be done or will this put limits on the design of a successful plaza?
- Should Shakespeare Grove be one-way? Does this unduly limit access to the Luna Park and Safeway supermarket car parks?
- What else can be done to make Acland St and the Village Belle a 'vibrant village'?

If you would like to respond to these questions please do so via unchaininc@gmail.com

Fitzroy St

The PTV's proposal for Fitzroy St was to remove the existing stop on Fitzroy St on the beach side of Grey St and construct a new 'super-stop' for the 16 tram between Grey St and Princes St. This would have a significant impact on traffic flows and access to Albert Park and the primary school. This remains a significant issue.

Council approved a proposal that has a stop between Grey St and Princes St which improves access to the School and Albert Park. This is better than the original PTV proposals but is still problematic. The option Council adopted allows access to school but it is not a significant improvement as there is still concern about safety and the impact on traffic with the narrowing Fitzroy St to one lane road in this section. This area of the road is complex with a bus stop, bike path, access to the IGA, bowls club and school all in the same area

There was an alternative design option that was proposed by traders and some residents, and supported by unChain. This was to put any new stop between Princes St and the Junction. It was asserted that this stop in combination with the one already at Park St/Fitzroy St should provide

adequate accessibility to route 16 for commuters. It would also significantly improve access for commuters coming from Princes and Barkly streets. Additionally, there would be less impact on traffic because that section of Fitzroy St carries significantly less traffic. The community members of the CRG all thought it was a good idea. unChain drew up a petition in support of this to present to Council. The traders also put up a petition and the primary school opposed the building of the stop outside the school. Council however by a 5/2 vote rejected this alternative (with only unChain Councillors Thomann and Huxley supporting it).

The other problem with the option Council adopted is that there is no overall plan for the 16 route. What is planned for the Junction stop? Is it useful to have a stop between Princes St and the Junction because of the perceived safety issues and flooding problems with the underground entry to the Junction stop? Will the end result of poor planning be that we finish up with far too many stops between the Esplanade and the Junction?

It is possible to 'do nothing' at Fitzroy St at this stage and just do the works required for the 96 route. PTV have said that they could remove the existing stop at Grey/Cantebury Streets, retain the existing one at Princes and plan the rest properly.

The ultimate decision-maker will be the state government. unChain will continue to lobby for a full exploration of the alternatives and an evidence-based decision on the location of the new tramstop for the 16 tram.

Carlisle Street: Ban on alcohol?

An important issue for Council in this quarter was the Carlisle St Shopping Centre. There had been concerns, particularly from traders, about the safety and economic vitality of the Street, in particular the impact of a small group of people who publicly consume alcohol and/or drugs. In November Council rejected a proposal to implement a six month trial of a local law prohibiting the possession or consumption of an open container of alcohol along Carlisle Street. The majority of Councillors were concerned about the impact on civil rights that this would have. Instead Council voted to implement a range of other measures including short to medium term actions and longer term strategies. At a subsequent meeting Cr Huxley successfully moved a motion that there be a report back to Council after six months. If unChain members or supporters have any opinions or experiences that they want to pass on to Councillors to contribute to this review, they should email us at unchaininc@gmail.com

Australia Day: Alcohol at the St Kilda Botanical Gardens and the Foreshore

Last year, revelers in the Botanical Gardens (and the foreshore) on Australia Day caused significant problems including vandalism of the gardens. Cr Thomann has been working with the Friends of the Botanical Gardens, unChain members and other residents together with Council officers and local police to improve the situation for next year. There will more toilets and security. People can drink until 5 pm and the Gardens will close at 8 pm.

IGA Supermarket in Fitzroy St

There is a proposal for Woolworths to take over the IGA supermarket in Fitzroy St. The Australian Competition and Consumer Commission contacted unChain President Catherine Sharples to ask our opinion. After a quick survey of local residents, we submitted that there were significant issues and we preferred that the supermarket remain as at present. We also met with Anne Birrell of the Greens who is preparing a more detailed response. The existing IGA supermarket has been a strong supporter of the local community, especially the primary school, and it offers a range of products that are not found in Woolworths stores. The decision has been deferred until 6th February. For more information or to put in a response contact ACCC mergers@acc.gov.au

<http://registers.accc.gov.au/content/index.phtml/itemId/1127182/fromItemId/750991>

The St Kilda Triangle

The St Kilda Triangle was the original issue that led to the formation of unChain. We have subsequently been actively involved. Council began consultation on a New Triangle in late 2010. Ultimately, in August 2012 the Council adopted the *St Kilda Triangle 2012*. This was a vision document – a framework to guide the future of the Triangle site. The next step envisaged was for it to be implemented through a planning scheme amendment (Amendment C106).

In our submissions on Amendment C106 unChain was broadly supportive of many aspects of *St Kilda Triangle 2012* and the Planning Scheme Amendment (see www.unchain.org.au). It was submitted that

- There was widespread community agreement with the statements about what we want and what we do not want
- The Council had successfully dealt with the issue of the Triangle becoming the centre of a nightclub and licensed venues precinct.
- The Amendment properly prevents any large shopping mall anchored by a full line supermarket.
- The Amendment properly promised to re-instate third party appeal rights.

However in our submissions submitted in June and July 2013 we raised concerns about whether the responsible authority had sufficient flexibility to enable it to best achieve the vision promised in *St Kilda Triangle 2012*. In particular flexibility was required in considering:

- The possibility of link to the foreshore over Jacka Boulevard by a new parkland.
- The development envelopes and the new buildings behind and beside the Palais

In July we submitted that since the Council adopted *St Kilda Triangle 2012* we have a new Council, a new CEO and a new Manager of Environment and Planning. unChain submitted that Council should reconsider the Amendment. This seems to have been successful and we expect that a revised Amendment will be released for discussion soon.

Meanwhile Council has taken two important steps. One was the adoption of a probity report and the other was a new lease over the Palais.

The probity report tries to overcome weaknesses in the process for the earlier Triangle development that resulted in the disastrous BBCitta plan. The history of this is as follows: In May 2007, a Select Committee was established by the Legislative Council to investigate public land. unChain made three written and one verbal submission about the St Kilda Triangle. unChain recommended that the Committee refer this matter to the Ombudsman. In December 2008 the legislative Council did this. In June 2010 the Ombudsman's report into the St Kilda Triangle project highlighted concerns about Council's project planning, handling of communications to stakeholders and was critical about confidentiality and conflicts of interest. Council therefore have engaged a probity advisor, Ann Dalton. In October Council adopted a probity report that she had prepared. Most of the document is directed at the relation between Council and respondents. Much of the document addresses the issues that corrupted the original process.

The only concern unChain can see is section 4.5.1 which says 'Processes for authorising and controlling communications with respondents/stakeholders and the media are to be established'. We have to make sure that this does not inhibit legitimate communications from Councillors to their constituency about what is happening with the Triangle. It would be useful for Council to make available a 'plain English' version of the probity report.

The next step is for the Council to set up a structure that promotes rather than inhibits probity. There were four problems with the old St Kilda Edge Committee. First, it did not have the expertise to do the job (as stated by the Ombudsman). Council can overcome this by appointing an experienced project manager as envisaged by the probity document. But it must also commit resources to the project manager so she or he can contract in for the necessary expertise. Otherwise the project manager will be dependent on the tenderers to do the analysis on parking, heritage etc etc. Second, Council has two hats. It is the approvals authority. It is also the proponent. As the proponent/landlord it has a vested interest in maximising its revenue. How

should it set up a set of Chinese walls to ensure this does not swamp its role as the approvals authority? One possibility is that the CEO should not be on the equivalent of the SK Edge Committee like former CEO David Spokes was. It would not have been a career advancing move for a junior officer at the approvals stage to oppose the BBC plan that was being championed by Spokes and some key Councillors. Thirdly, the SK Edge committee operated in secrecy. This meant that when it 'ran off the rails' and started to develop the massive BBC plan rather than what was originally promised, no-one knew. Council should set up a process that is as transparent as possible. This may involve designing in some public competition stage. Fourth, it is essential that there be the threat of a VCAT challenge to ensure that the Council/tenderers do not run off the rails as happened with the old Triangle process.

In the federal elections we asked the three candidates in Melbourne Ports about their position on federal funding for the Triangle. After consulting the management of the Palais on their priorities, we asked each candidate to promise to work for federal funding of over \$3 million towards the Palais in the short term. The priorities, in order, were:

- \$250,000 for an air extraction unit that means the theatre would not overheat in summer and therefore become much more attractive and comfortable for customers
- \$2 million for disabled access to the theatre including a disabled toilet and an elevator
- \$800,000 for a 'green room' and improved back of house facilities for entertainers. The current facilities are so sub-standard that some performers refuse to play the Palais.

The response of the candidates to our request for funding for the St Kilda Triangle was this: Ann Birrell and Kevin Ekendahl had agreed to support federal funding for the Palais/Triangle. Michael Danby did not reply. The unChain committee will consider whether we should try to get a commitment from candidates in the state elections due later this year.

Melbourne Metropolitan Planning Strategy

In October the government released its final document, called Plan Melbourne. This sets out the government's vision for the city to 2050. In December 2013 unChain made a submission on this. This submission is on our web-site. Previously, in March 2013, unChain made a 50 page submission on the draft strategy. That submission also is on our website. (see www.unchain.org.au).

The key aspects of the strategy are:

- A new statutory body, the Metropolitan Planning Authority
- No increase in the urban growth boundary (to stop urban sprawl)
- A push to drive growth into urban renewal zones in Melbourne,

- especially Fishermans Bend
- Defining which areas should have medium-rise apartment blocks and which areas should be free of them
- A push to increase regional hubs and “peri-urban” towns, 50 to 100 kilometres from Melbourne
- Development of a port at Hastings and a third Melbourne airport past Kooweerup
- Creation of “employment clusters”
- Construction of transport infrastructure: including the Melbourne metro

The unChain submission covers these topics

- Melbourne’s Population Target
- The Philosophy in Plan Melbourne
- Fishermans Bend
- Jobs and Investment
- Housing Choice and Affordability
- Transport: A More Connected Melbourne
- Liveable Communities and Neighbourhoods
- Environment and Water
- Funding for Infrastructure

Fishermans Bend

A major part of the strategy of Plan Melbourne is to transition Melbourne to a more compact, sustainable city by through urban renewal projects (at p. 33). In Port Phillip this means the Fishermans Bend Urban renewal area.

While supporting the Government’s initiative for the Fishermasn Bend URA, we are concerned as to how the objectives will be realised. There are many ways that even the best visions can go awry including a failure to learn from the past, a failure of implementation planning and a failure to ensure adequate funding is available. Dependable and resilient planning controls are required; as is a clear identification of a timeframe and funding approaches. Plan Melbourne (at p. 63) implies that the planning of Fisherman’s Bend has learnt from the shortcomings in past urban renewal programs but no details are given of what these lessons are. There is no acknowledgment that there have been significant mistakes in the development of the Docklands and Southbank precincts that must not be repeated.

In November 2013 unChain made a submission to Places Victoria on the Fishermans Bend Urban Renewal Area. (see www.unchain.org.au). A brief outline of the some of the key points in our Submission are as follows:

Economic Cost Benefit Analysis: The State should undertake at an early stage and release for public comment an Economic Cost Benefit Analysis of the proposal with objectives to include: informing the community, guiding the selection of the most beneficial mix of uses for the area, justifying the expenditure of public monies on infrastructure for the area. unChain is confident that the enormous savings of

Government and community funds in locating employment and housing in this concentrated area rather than allowing Melbourne to continue to sprawl will more than justify Government expenditure on infrastructure for the area.

A Centre of Employment and New Economy Businesses: It is essential that Fishermans Bend remains and grows as a major economic and employment contributor to metropolitan Melbourne by not only retaining industry currently in the area but also by targeting the growth of New Economy businesses in the area. Fishermans Bend must not be allowed to become little more than a residential “dormitory”. Clever strategies must be adopted to ensure that it becomes a thriving centre for creative, knowledge based industries that provide sustainable employment.

Siting a University Facility on Public Land: All current publicly owned land in the area must be retained and careful assessment needs to be undertaken to ensure that such public land is used to create the most community benefit. In line with this thrust and the benefit of having the area become a cluster for New Economy businesses, efforts should be made to make one of these sites available for the establishment of a University facility in the area that will enhance the development of New Economy businesses.

Greater Limits on High Rise: The extent of high-rise proposed must be reviewed and reduced and strict planning controls should be applied to high-rise to ensure design quality, privacy, solar access, and to limit overshadowing and adverse wind effects. Also, high rise must not be allowed to cluster around the Yarra River but should be widely dispersed on sites throughout the area.

Government Commitment to Early Infrastructure Delivery: Government at all levels must ensure that essential infrastructure including transport, schools, roads, parks and head-works for water, sewage and power services are committed early to avoid highly expensive retrofitting and to encourage the private sector to invest.

Low Cost Accommodation and Community Housing needs to be delivered: This is essential to meet the objective of a vibrant and diverse community in the area. unChain submits it is also essential that low cost accommodation solutions be delivered for both living and workspace to ensure that young entrepreneurs can develop New Economy businesses at Fishermans Bend.

Government must deliver certainty and efficiency of process: All levels of the community, whether businesses or residents, earnestly seek certainty and efficiency from Government processes. Residents will not come to the area if they cannot be assured that planning restrictions will not be suddenly overturned allowing high rise into an area that they bought into on the basis it would be medium rise. Similarly, businesses

need assurance that Government services and processes will lead to low cost outcomes for them.

It will be important for unChain to work with other groups and the Council to get the best possible development of Fishermans Bend. In December unChain Secretary Richard Roberts together with Helen Halliday and other CAPP representatives met with Councillor Voss and Council officers to discuss Council's submission to Places Victoria. Melbourne City Council has submitted that the Design guidelines be changed relating to liveability and environment so as to deal with the threat of a proliferation of high-rise towers. The Port Phillip Council officers agreed with the idea of providing a supplementary submission to Places Victoria supporting this position. It was also agreed that there should be an environment impact statement done for Fishermans Bend and an on-going community forum aimed at consultation and information sharing.

The Metropolitan Planning Authority and the Central Subregion

The state government's planning strategy is to set up a new body, the Metropolitan Planning Authority. The government says the Authority 'will work with government departments and agencies, landowners and development partners to plan for the future urban structure of significant precincts. It will also focus on facilitating appropriate development., help to coordinate government investment, speeding up development processes and advising when red tape can be reduced' (at p. 149). The Metropolitan Planning Authority, amongst other responsibilities, would coordinate government authorities in major infrastructure and urban renewal projects.

unChain supports the creation of the Metropolitan Planning Authority. One of the failings in the previous metropolitan planning strategy, Melbourne 2030, was that there was no identifiable body responsible for the implementation of the strategy.

However unChain notes the failure of Plan Melbourne to include residents in the list of entities with whom the Metropolitan Planning Authority will work. This must be corrected. unChain also believes that the authority should not have any power to issue consents. This should remain the responsibility of the local Councils. The metropolitan strategy should define the respective responsibility of the State and local governments. The State government should set the vision for planning but the local Councils should have the authority to implement this policy at the local level.

Plan Melbourne, the state government's planning strategy, also proposes five metropolitan subregional groupings of local councils to work with the Metropolitan Planning Authority and collectively plan for jobs, housing and investment infrastructure and services. Post Phillip would be part of the Central Subregion along with the Melbourne, Stonnington, Maribyrnong and Yarra Councils.

The Inner Metropolitan Planning Alliance

It is important that residents are not disenfranchised by the creation of the Metropolitan Planning Authority and the Central Subregion. How can residents be represented at these levels?

Every government since John Cain's has increased the centralisation of planning power in state government ministries, initially at the expense of the Melbourne and Metropolitan Board of Works and increasingly at the expense of local governments and local communities. Increasingly, proper planning processes are circumvented in an effort to fast-track development, especially for major projects. The processes involved in the East-West freeway link are a classic example.

Therefore, a number of resident groups have agreed to work together on planning issues as the Inner Metropolitan Planning Alliance. An important part of this new body will be to work with the Planning Authority and the Central Subregion. unChain and CAPP will be members of this group which will also include resident groups from Docklands, Southbank, Kensington, Melbourne etc.

2014

All the best to all of you for 2014, the New Year is upon us and there is much to do. The second year of the current council will no doubt be as busy as the last with Fishermans Bend development, triangle planning, route 96 works and the upcoming state election. The unchain committee work hard to try to represent the views of members and reference all submission back to the policy document put up during the last Council elections. We need your feedback and support and would love to hear from you via email unchaininc@gmail.com or Facebook (like us today). We encourage all members to get out and participate in making Port Phillip a vibrant liveable city.