

## unChain Newsletter

March Quarter 2014

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### 1. The State Election in November this year

The next Victorian State election is scheduled for 29 November 2014. Albert Park is a marginal seat. In the 2010 state elections the Liberals (Mark Lopez) got 38.29% of the first preference votes with Labor (Martin Foley) getting 30.19%. The Greens (Ann Birrell) got 18.14% and the Independent (former unChain President Serge Thomann) got 9.10%. Ultimately, Labor's Martin Foley was elected on the Greens' preferences. It only requires a change of 2.07% for the Liberals to win the seat in November.

There have been changes to the demography of the Albert Park electorate and a change in the electorate's boundaries. Because of population growth part of Elwood and St Kilda Rd have been cut out of the seat. Elwood tends to favour Labor and St Kilda Rd the Liberals. Election guru Anthony Green estimates that the margin has been reduced to 0.9%.

One aspect of the election will be how two new faces campaign against Labor's veteran Martin Foley. unChain subscribers may be interested in a quick profile of the three main candidates.

Martin Foley is the Labor candidate. He has been the member for Albert Park since 2007 and is Labor's shadow Minister for Water, Arts and Youth Affairs. He has a Masters of Commerce. Before his Parliamentary career he was the State Secretary of the Australian Services Union. He was also interested in 'local' issues before entering Parliament, working with Heritage Watch to

preserve the heritage of St Kilda and neighbouring suburbs. He lives in Elwood.

David Collis will be the Greens candidate. He is an educator at Melbourne University working on university access for people from disadvantaged backgrounds. He also teaches mathematics to international students at the University of Melbourne's Trinity College. Prior to this, David worked in various social justice movements. He was the Greens candidate for Deputy Mayor in the Melbourne City Council elections. David is an active member of local groups such as Citizens for Reconciliation. He lives in Albert Park.

Shannon Eeles is the Liberal Candidate. She has worked with children and their families for over 10 years. After graduating University she became an Intensive Care Unit Nurse at The Royal Children's Hospital. Shannon is the Director and founder of the Centre for Inclusive Schooling of Children with Autism (CISCA), and co-founder of both the I.D.E.A. Program (a whole school approach to intervention for children with Autism Spectrun Disorder) and the Little Learners Autism Program. Shannon has lived in Albert Park and South Melbourne for 7 years and volunteers with *Beach Patrol* and *St Kilda Mums*.

Some questions about the November election:

- How will the demographic changes affect the voting in Albert Park?
- Will the Greens run an 'open ticket' or preference Labor?
- Will the minor parties (Sex Party, Palmer etc) only get a small number of votes as has been the case in the past?
- Will there be a strong independent candidate?
- How will the 10% of voters who voted independent in the last election vote in the November election if there is no credible independent candidate?
- What will the major parties promise to try to get the support of voters in Albert Park?
- What should unChain do in the election campaign?
- And of course the big question: who will win the seat of Albert Park and will the outcome in Albert Park determine whether we have a Liberal or a Labor government?

## **2. The unChain Questionnaire of candidates**

The unChain executive has decided to survey the candidates from the major parties on 'local' issues. Clearly we are hoping that the two major parties will commit to some sensible proposals in our marginal seat.

The voting members of unChain have been sent a draft questionnaire for their feedback. The draft includes questions on:

1. Melbourne Metropolitan Strategy
2. Funding for Infrastructure
3. Melbourne Public Transport: the Inner-City Rail Tunnel
4. Public Transport: the 96 Tram Project

5. Neighbourhood Zones and Affordable Housing
6. Schools and pre-schooling
7. The St Kilda Triangle
8. Fishermans Bend
9. Webb Dock
10. Port Phillip Bay
11. The Grand Prix
12. Problem Gambling

Following feedback from members, the unChain executive will finalise the questions to be put to the candidates. However non-member subscribers to the unChain newsletter may like to make some general comments by emailing Peter Holland at [hollandp@me.com](mailto:hollandp@me.com). Ultimately, the candidates' replies will be put on the unChain web unedited.

In the 2013 federal elections, unChain assessed the candidates answers and then posted an electronic 'how-to-vote' card. This was controversial and will not be repeated this time. Instead each candidate will be given a mark out of 5 for each question and we will leave it to each voter to decide who is the best candidate on our 'local' issues. The unChain executive will not attempt to rank the candidates overall.

### **3. New General Managers at the City of Port Phillip**

The Council has appointed two new General Managers. Both will be important for many of unChain's issues such as the Triangle. We wish them all the best.

Claire Ferres-Miles is the new General Manager, Place Strategy and Development. She is currently the Director of Transport Strategies and Planning in the Department of Transport Planning and Local Infrastructure. In that role she has worked on the transport related policies and strategies for Plan Melbourne; implemented the Victorian Cycling Strategy and developed policy on a number of urban design projects including Fishermans Bend.

Fiona Blair is an internal appointment as the new General Manager, Infrastructure and Amenity. Most recently, Fiona has been instrumental in leading the innovative and complex process of rebuilding the Stokehouse.

### **4. Neighbourhood Zones**

The state government's introduction of the biggest changes to planning zones in 30 years should enable Councils to identify the areas that are appropriate for more intensive development and those that are not.

The new system has three residential zones: General Residential Zone (GRZ), Neighbourhood Residential Zone (NRZ) and Residential Growth Zone (RGZ).

The Port Phillip Council has prepared a draft zoning. The Council asked for community feedback by 14 March 2014.

The unChain executive had significant concerns that the proposed zones are too restrictive. In particular we feared that there will be an adverse impact on housing affordability and housing choice. This is the inevitable outcome of the extensive use of the Neighbourhood Residential Zone.

We believe that the proposed zoning is in conflict with the Council's own housing policy and the state government's metropolitan planning strategy.

The Neighbourhood Residential Zone is a highly restrictive zone that does not allow medium-density housing. However, some Councils, including Port Phillip, appear to be applying the highly restrictive NRZ to most of its residential land. In Port Phillip the proposed residential zones would apply to 80.1% of the municipality's residential land (with 14.8% in the General Residential Zone, 1.2% in the Residential Growth Zone and 4.5% in the mixed use zones). The proposed NRZ would limit development to two dwellings on every lot smaller than 600 sq m with an 8m (two storey) height limit with a sliding scale allows some low-density apartment buildings on larger sites. This means that medium density housing is locked out of 80% of Port Phillip's residential land.

The increasing cost of accommodation in our city is a major problem. The COPP Housing Policy says that 'future housing development must respond specifically to the need for more affordable housing'. The proposed over-use of the NRZ is in conflict with this important objective.

We also believe that the proposed zoning will also have an adverse impact on good housing design and housing sustainability. This is not something that is consistent with the spirit of the Housing Policy.

We have suggested that this can be modelled by retrospectively assessing the impact of the proposed zoning on the winners (or finalists) of the Port Philip Design and Development Awards. These awards began in 1998 and recognise design excellence in architecture, sustainable development and urban art.

For example 19 Ruskin St Elwood won two awards in the 2011 Design and Development awards (for Best Sustainable Development and Best New Development 1-5 storeys). This project would be banned under the new zoning and yet it has delivered five environmentally sustainable townhouses with no loss of amenity to the surrounding area. It replaced a 99-year old weatherboard house in very poor condition that housed one adult and one child.

We therefore joined with Community Alliance Port Phillip and requested the Council to ask its officers to prepare an alternative zoning based on the following principles: (see our website for the full submission)

- Council places a high priority on affordable housing, housing choice, good housing design and sustainable housing
- In determining the neighbourhood zones, Council recognises that we are a densely populated inner suburb with priorities and possibilities that are different from middle and outer suburbs
- Council recognises that the metropolitan planning strategy expects that in the metropolis as a whole, there be a minimum of 50% of residential land in Neighbourhood Residential Zone (NRZ)
- Council should recognise that it can be pro-active in housing issues, especially in using innovative, best practice approaches to in-fill housing.
- Not all areas covered by the existing heritage overlay need be in a NRZ. In some heritage areas there may be adequate heritage protection in a General Residential Zone (GRZ) through the continuing application of heritage overlays, design and development overlays and ResCode
- In determining the NRZ and the GRZ, Council will take into account proximity of all public transport, including trams, light rail and buses.
- Council policy to encourage housing close to shops means these areas are appropriate for GRZ or Residential Growth Zones or mixed use and commercial zones. Areas that are more distant should be GRZ or NRZ depending on heritage, access to public transport etc.
- The density requirements in NRZ should be generous in order to encourage affordable housing and housing choice within the NRZ.
- There should be a significant area of General Residential Zone. The GRZ has no density limitations and therefore encourages affordable housing and housing choice
- Council will consider Residential Growth Zones along appropriate main roads
- In its explanation of the Residential Zoning, Council will include an explanation of the possible residential developments in the commercial and mixed use zones including limits on high rise towers in Mixed Use Zones such as the Junction area.

At the date of writing this newsletter we have not had a formal response from Council. However we understand that our concerns are being seriously considered both at Councillor and officer level. We anticipate that for Council to prepare one or more alternative zoning plans may involve another round of community consultation.

Councils have until 30 June 2014 to introduce the new zones via a planning scheme amendment. If not, the Minister for Planning will apply the General Residential Zone until a local amendment is finalised. This means that the Council does have the opportunity to request its officers to prepare an alternative zoning proposal. Applying the new zoning system is not a technical

or administrative exercise. It is a first a political matter that should be determined by the elected Councillors. Councillors should give officers some broad principles in applying the new zoning system to Port Phillip. The fundamental issue is what sort of a municipality do we want to live in.

## **5. The Yarra Trams proposal for Acland St**

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.

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'?

## **6. Forum on 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. 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 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/Canterbury Streets, retain the existing one at Princes and plan the rest properly.

unChain will host a forum on the PTV proposal for Fitzroy St and the other issues in the street

## 7. 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](http://www.unchain.org.au)). 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

unChain submitted that Council should reconsider the Amendment and at the same time explore interest in developing this important site. This seems to have been successful. The next steps for the Council are to do the various studies that are required, to prepare an expressions of interest and to finalize a public consultation process and to finalize the Planning Scheme amendment. The immediate task for unChain will be to lobby to ensure that there is sufficient funding in the Council's May budget to do this.

The CEO has said that the process will be:

- Completion of the studies Council has been undertaking
- Series of targeted reference groups from the community and government partners
- An 'Inquiry by design' process to be completed by early 2015. (One description of this is: Inquiry-by-Design workshops are used to bring together major stakeholders at one time and place to discuss, develop and draw possible urban design and planning solutions to specific, place-based problems. Through the workshop process, options are investigated interactively through design, debated, and illustrated to reach preferred outcomes. The actions needed to achieve the implementation of workshop outcomes are also identified in an implementation framework that can form the basis for ongoing action'.)
- This should lead to an agreed Concept Design and then the detailed documentation that would be required.

## **8. Rebuilding the Stokehouse**

In January the Stokehouse restaurant was destroyed by fire. The Van Haandel Group has a 21 year lease and a replacement restaurant will be funded from insurance, with Council will contributing no additional rate payer funds.

Council says that it is 'facilitating a community engagement process that allows the community to have input at three key phases in the design process ... feedback on the concept designs and feedback on the final draft design prior to Council making a decision on Tuesday 13 May 2014'.

The Van Haandel Group has announced the four architects who will be taking part in the new Stokehouse Melbourne concept design for community consultation. The second phase of community engagement runs from Monday 7 to Monday 14 April 2014. There will be an online survey where residents can provide feedback on the four sketch designs submitted by the architects. (See the Council's 'have your say' site).

## **9. St Kilda Festival**

The annual St Kilda Festival was held in February. Funding the festival is a major issue. The festival lost its major sponsor and the state government has not been prepared to make a significantly increased contribution.

Some unChain members would prefer to cancel the Festival Sunday and substitute a range of smaller events throughout the year. Others would prefer to keep the current structure with the big Festival Sunday.

Given the many demands on the Council, it cannot afford to pay \$1 million each year to put on the festival. In 2014 the Council hoped to raise money from those who attended by donations and sale of items. If 300,000 people each purchased \$5 (net) of merchandise this would raise \$1.5 million. Correct mathematics but woeful psychology. The Council's revenue targets were not met and the Council has said that it will examine options for 2015 in order to reduce net costs.

Over its thirty-year life, the festival has grown into an event of state significance. The 2010 Review Report stated that only 27% of the attendees at the 2009 Festival came from Port Phillip — 52% came from the rest of Melbourne, 11% from Victoria outside Melbourne, 6% from the rest of Australia and 7% from the rest of the world. It is therefore appropriate to lobby the state government for it to make a significant contribution if it wishes to maintain and improve an event of state significance.

Another potential source of funding is to consider some 'user-pays' contributions. It is surprising that the 2010 Review treats it as a 'given' that the Festival will remain an unticketed event. It is appropriate for Council to consider ways of cost-recovery. The Festival could sell a day-ticket to certain enclosed venues, such as O'Donnell Gardens and South Beach. This would be logistically easy. The rest of the festival would remain 'free', preserving its traditional open access philosophy. If 100,000 people paid the modest amount of \$20 for a ticket, the Festival would raise an additional \$2 million.

## **10. Fishermans Bend Urban Renewal Area (FURBA)**

In this quarter unChain executive members attended the Community Conversation where the Council and representatives of the Metropolitan Planning Authority (MPA) met with invited community groups. The MPA will be the responsible authority for the large buildings in FURBA. The Council and FURBA are finalizing the Master Plan and the design guidelines. unChain has made a submission on the Master Plan.

Have we learned from the problems at Docklands? A key issue is whether the state government will commit funding for the Collins St tram extension, a dedicated bus network, public open space and social infrastructure schools like schools. unChain will be vigorously lobbying the major parties on this in the lead up to the November elections.

## **11. Port Melbourne: Waterfront Place**

The potential development at Waterfront Place has been controversial since 2009. The original proposal in 2009 was for a 28-storey tower in Port Melbourne opposite Station Pier consisting of a hotel and a retail precinct. In November 2012 the developer sought consent to approve a development of three buildings of 5, 10 and 19 storeys.

Waterfront Place is subject to restrictive covenants. Mirvac built Beacon Cove in stages between 1996 and 2005 as a mix of high, medium and low density areas. Restrictive covenants were applied to the Waterfront Place site by Mirvac to do two things:

- To provide for an area of low scale buildings
- To provide community facilities (child minding and a sports centre).

The covenants go into perpetuity but may be removed by consent or by court decision.

From 2010 the Council has been preparing new planning rules in the expectation that the restrictive covenants may be removed. It prepared an Urban Design Framework for the Port Melbourne foreshore and Design

Guidelines for Waterfront Place. It also prepared Amendment C104 to the Planning Scheme to implement these guidelines.

One important aspect of the proposed guidelines is a limit on the height of Waterfront Place. The limits are 10, 7 and 3 storeys. They do not allow discretion to exceed these limits. These guidelines will also guide the final design and layout Waterfront Place. The amendment itself does not propose any change to the private restrictive covenants on Waterfront Place.

unChain made a submission on the draft Port Melbourne Waterfront UDF in March 2012 and on the request for consent to approve a development at Waterfront Place in January 2013 and on the Amendment to the Planning Scheme in August 2013.

unChain submitted that there were sound planning reasons for maintaining the current 3-storey limit at Waterfront Place. The question was whether it was premature to allow a 10-storey building and whether there was a demonstrable net public benefit in this. Council however continued and submitted its proposed Amendment to an Independent Panel for Review.

In March 2014 the Panel recommended that the Council's proposed Amendment be adopted subject to removing the mandatory 10 storey building height and replacing it with performance-based controls guided by overshadowing. We understand that this could permit a new tower of over 20 stories. We do not believe that this is acceptable.

The Council will hear from submitters in April, then in May it will consider the Panel's recommendations. unChain will submit that Council should not accept the Panel's recommendation: either it should adopt Amendment C104 without changes, including the 10 storey maximum height or adopt an 8 storey maximum based on the same overshadowing principles that apply along the rest of the Port Phillip foreshore.

## **12. We are Happy St Kilda**

St Kilda has become the first Melbourne location to join an internet craze celebrating Pharrell Williams's hit single, Happy. The project is part of a worldwide campaign to regionalise the 'Happy' video. Pharrell has agreed for his song to be used as long as it was not for a commercial religious or political purpose. So far there are 1058 videos from 109 countries.

Director Aaron Wilson and Acting Mayor Serge Thomann organized the St Kilda Happy video which features various local residents and was shot at various St Kilda locations. The highlight is when Cr Vanessa Huxley gives Serge his just desserts. The film is an important building block in keeping St Kilda the artistic hub of Melbourne. To see more, you can go to [www.wearehappyfrom.com](http://www.wearehappyfrom.com) and click on St Kilda.

### **13. Monthly CEO report**

The Council says that it is committed to transparency. unChain welcomes a new initiative, a monthly report by the CEO on the Council's activities and performance. The report will be presented to the last Council meeting of each month. The first report is for the month of February and can be seen at [http://www.portphillip.vic.gov.au/Report\\_7\\_Attach\\_1\\_Monthly\\_CEO\\_Report\\_-\\_Issue\\_01.pdf](http://www.portphillip.vic.gov.au/Report_7_Attach_1_Monthly_CEO_Report_-_Issue_01.pdf)

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